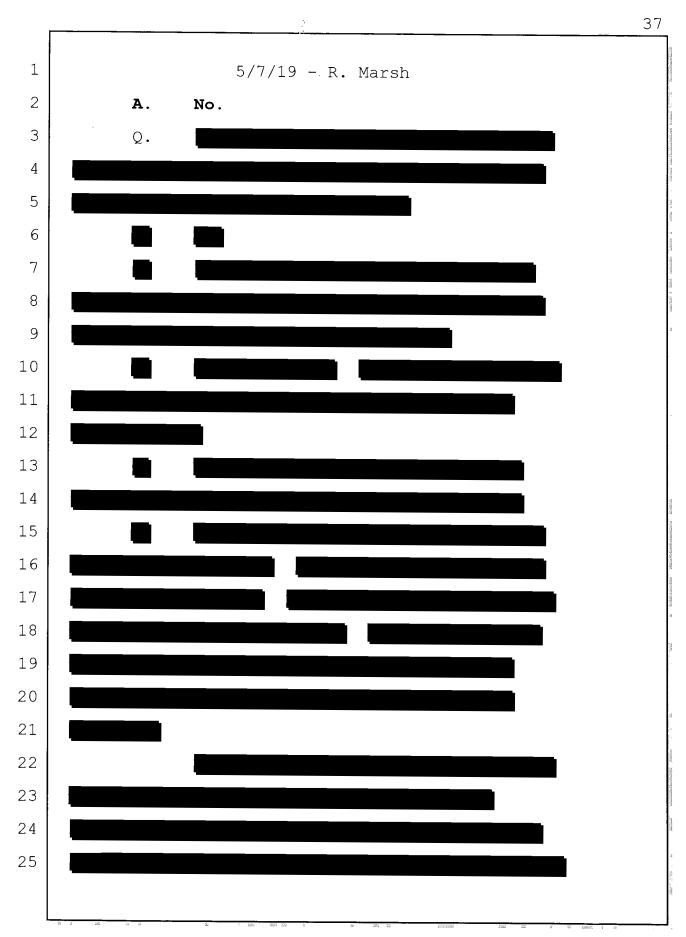
1 5/7/19 - R. Marsh2 what level? 3 Α. Minor League umpires --4 MR. ABRAMSON: Objection as to form. 5 Q. I'm sorry? 6 Α. Minor League umpires. 7 Q. Do they get involved with Minor 8 League umpires in A ball? 9 Α. No. So it starts at AAA? 10 Q. 11 Α. It starts at AAA. 12 0. So the first time any umpire is 13 supervised or observed in the Minor Leagues by 14 Major League Baseball is AAA? 15 Α. Usually. 16 Q. Does the Wendelstedt School cost 17 money, do you know? 18 Α. Yes. 19 Do you know how much it cost to go Q. 2.0 to that school? 2.1 Α. I did years ago. Not sure now. 22 Q. And the Umpire Development School, 23 do you know if that cost money? 2.4 Α. Similarly, I don't know. 25 Ο. So is it true then based upon your

-5/7/19 - R. Marsh 1 2 answers, that Major League Baseball makes no 3 effort at these levels, the entry levels in 4 trying to find diverse candidates to become 5 umpires? 6 MR. ABRAMSON: Objection as to form. 7 Mischaracterizes his testimony; you can 8 answer. 9 Yes, they are concerned with A. 10 diversity, and they have umpire camps throughout 11 the season that people come to and they're 12 looking for diverse candidates to scholarship 13 them to the umpire schools to see if they can 14 seriously pursue the profession. 15 When do those camps take place? 16 During the course of the season, there's probably five. They've already had I 17 18 think two. It's like one a month. 19 And where are those camps located? 0. 20 They are usually, not the same each A. 21 year, they pick different places. They might be 22 -- I think they just had one in Dallas, maybe, 23 they've had one in Philadelphia before, they've 24 had one in Cincinnati before. It varies. 25 0. How long do these camps last

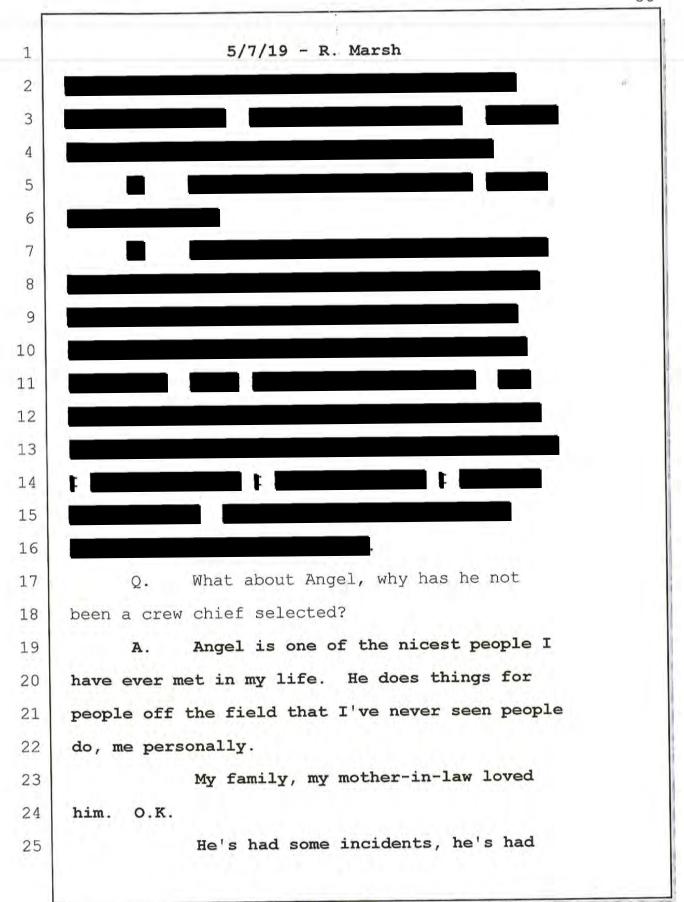
5/7/19 - R. Marsh 1 2 who the next umpire or umpires are going to be 3 that will probably be promoted from A ball to 4 AA, AA to AAA. 5 So the umpires get the other 6 umpires' ratings to see where they are? 7 Α. I'm not sure; I think so. 8 0. All right. 9 Does Major League Baseball get 10 involved in this aspect of the umpire's 11 progression from Rookie to A to AA? 12 Α. No. 13 MR. ABRAMSON: Objection as to form. 14 You can answer. You did. 15 BY MR. MURPHY: 16 So if -- I don't know if I asked 0. 17 you, did you tell me the name of this company? 18 Α. I think it's -- I don't know if it's 19 just a Minor League Baseball Corporation, 20 something to that effect and it's in St. 21 Petersburg, Florida, you can get that easily. 22 Ο. So if this corporation run by 23 Mr. O'Connor with the head of umpires, Dusty 24 Dellinger promotes nothing but white umpires 25 from Rookie to A to AA, is it true then that

1 5/7/19 - R. Marsh 2 as you and I know it. 3 MR. MURPHY: I will rephrase. 4 MR. ABRAMSON: Thank you. 5 BY MR. MURPHY: 6 Ο. Isn't it true that every umpire 7 during the course of a season will have some 8 incident like an ejection or having to call a balk that will cause some consternation between 9 10 players or managers? 11 Α. Yes. 12 O. While you were umpiring, did you 13 believe at any time that one of your minority 14 colleagues should have been promoted to crew 15 chief? 16 Α. I can't recall. 17 Why did Richie Garcia get Q. 18 terminated, do you remember? 19 Α. I don't know exactly. There was --20 one problem was his son-in-law was umpiring in 21 the Minor Leagues, was in strong consideration 22 for promotion to the Major Leagues, and he was 23 told not to go watch him work, because of being 2.4 related to him. He continued to do so. He had 25 been told not to do it, and he continued to do

### 5/7/19 - R. Marsh2 so. 3 And when they let him go and a couple of other people go, that's the only 4 5 reason that I heard. O. Has the fact that there are no 6 7 minority crew chiefs in baseball been brought up 8 by management in your presence since 2011? 9 And it is -- that is discussed A. Yes. 10 every time we have a crew chief opening. 11 And each time you've had a crew 12 chief opening, did that discussion take place? 13 A. Yes. And is it your testimony today that 14 15 the decision not to hire minority crew chiefs 16 since 2011 has been solely merit based? 17 Yes. A. 18 Is the selection of World Series 19 between 2011 and the end of 2016, was that 20 solely merit based? 21 A. Yes. 22 Do you believe that Angel Hernandez 23 should have been promoted to crew chief during any of these years that you've been in 24 25 management?



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5/7/19 - R. Marsh 1 2 As far as statistics? A. 3 For crew chief selection, yeah. Q. MR. ABRAMSON: Objection as to form. 4 5 It would be Matt, he would provide A. 6 the information. 7 Isn't it true that there are 0. 8 comments made in midyear reviews and end-of-year 9 reviews that are not found in any of the 10 supervisor' game reports? 11 A. Shouldn't be. Shouldn't be. Ted Barrett, Fieldin Culbreth, Jim 12 0. 13 Joyce, all of the crew chief selections since 14 2011 have all been white, correct? 15 You're telling me that I guess. A. 16 Well, you know of no minority 0. 17 umpire? 18 A. No. 19 That's been appointed, right? 0. 20 Now, would you agree that Angel 21 Hernandez's body of work, ZE scores, the base calls, from a statistical basis has been better 22 23 than some of the crew chiefs that you've 24 selected? 25 MR. ABRAMSON: Objection to form,

5/7/19 - R. Marsh 1 2 BY MR. MURPHY: 3 Is Joe Torre and Peter Woodfork duty bound to select crew chiefs from the pool that 4 5 apply? 6 MR. ABRAMSON: Objection as to form. 7 A. I would say yes. 8 0. Would you agree that Angel Hernandez 9 has had more interim crew chief games than other 10 umpires that you've made crew chiefs in the last 11 four or five years? 12 I don't know the statistics on that. 13 He's had chances, but there's other guys that 14 have been, too. Matt McKendry could tell you 15 that information. 16 Would you put an umpire into an 17 interim crew chief position if you believed that 18 he didn't have the tools to run a crew chief? 19 A. No. 20 And if he ran a crew on an interim 0. 21 basis during the first 50 games and performed 22 poorly, including situation management issues, 23 would you continue to put him on the field as an 24 interim crew chief? 25 A. No.

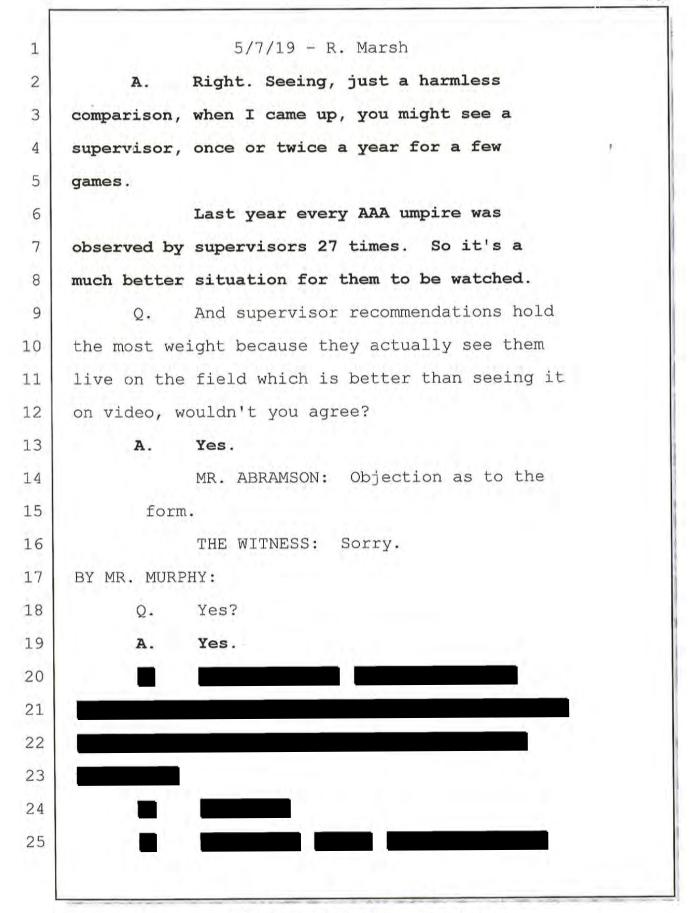
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1
                      5/7/19 - R. Marsh
 2
     seen this document, but did you know that an
 3
     overview of umpiring was being done?
 4
           Α.
                  No.
 5
                  On 15070, it says, "Number of
           0.
 6
     Umpires 68," what's the number now?
 7
           Α.
                  76.
 8
           0.
                  76, O.K.
 9
                  And the minority percentage, do you
10
     see that, 7 percent?
11
           Α.
                  Uh-hum.
12
           Q.
                  Yes?
13
           Α.
                  Yes.
14
           Q.
                  She can't type uh-hum, we all do it.
15
           Α.
                  I know, I'm sorry. Yes.
16
                  Given the amount of minority
           0.
17
     baseball players that play the game in the Major
18
     Leagues, would you agree that 7 percent number
19
     of minority umpires is not good?
20
                                  Objection as to the
                  MR. ABRAMSON:
21
             form.
22
     BY MR. MURPHY:
23
                  Could be better.
           Α.
24
25
```

1 5/7/19 - R. Marsh 2 3 4 5 MR. ABRAMSON: One second. 6 O.K., thank you, go ahead. 7 Α. Yes. 8 0. Do you remember when PBUC first 9 started? 10 A. Gosh, I don't remember the first 11 year that it came into existence. There's 12 always been a Minor League organization, but 13 when it was -- when O'Connor came in and 14 basically formalized it, I don't know -- it's 15 been there for quite a while. As a matter of 16 fact, Justin Klemm who is in charge of A replay 17 was a former Minor League supervisor for them. 18 Q. So after two years, they're either 19 promoted to go up to the next level or let go 20 and that's completely in the discretion of PBUC, 21 correct? 22 Α. Yes, it is. 23 0. So if your camps produce minority --24 minority students to go to Wendelstedt or PBUC, 25 after they enter, it's completely in the hands

5/7/19 - R. Marsh1 2 of PBUC to determine whether they make it to 3 AAA? A. Yes. 4 5 O. The second and the third -- the second bullet point is still true based upon 6 7 your previous answer, right? 8 A. Yes. MR. ABRAMSON: Objection as to form. 9 10 Yes, they are. A. Is the third bullet point accurate 11 0. 12 to the best of your knowledge? 13 A. I think it's pretty accurate. How about the fourth bullet point, 14 0. 15 12 to 15,000 for six months of work? Probably accurate. It's at lot more 16 A. that I got paid when I was there. 17 18 19 20 21 22 23 24 25

## 5/7/19 - R. Marsh 1 2 3 4 15073. "Pathway to Major, Major 5 Q. 6 League hiring." 7 The first bullet point, "Umpires are hired at the absolute and exclusive discretion 8 of the Commissioner's Office"? 9 10 A. Yes. As far as you know, does that allow 11 0. 12 the Commissioner to discriminate based on race? MR. ABRAMSON: Objection to form. 13 The Commissioner in our office does 14 A. 15 not discriminate against any race or 16 nationality. 17 But does that provision in the 18 Article 4.A.3 give him the right to pick anybody 19 he wants? 20 MR. ABRAMSON: Objection, you've got 21 to show him Article 4 A.3. 22 MR. MURPHY: All right. 23 BY MR. MURPHY: 24 You can answer. 0. 25 MR. ABRAMSON: You're asking him a

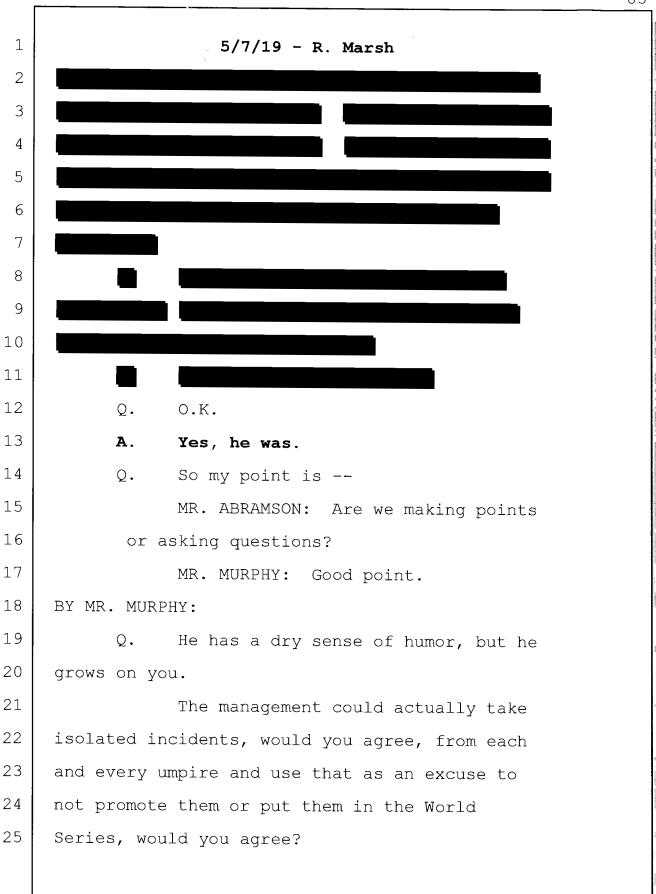
1 5/7/19 - R. Marsh 2 question about a provision that is not 3 quoted in its entirety here. BY MR. MURPHY: 4 5 Ο. Does this language come from the 6 Union Agreement with Major League Umpires? 7 Α. I would think that it would. 8 0. And as far as you know, does that 9 agreement give the Commissioner the right to 10 select any umpire that he wants? 11 Α. Yes. 12 5 -- the fifth bullet point, 13 "Evaluation of potential new hires can be very 14 subjective." 15 Do you agree with that? 16 Α. I quess so. 17 "Quantitative data such as AAA Ο. 18 evaluations and ZE scores is sometimes used but 19 supervisor recommendations hold the most 20 weight." 21 Do you agree with that? 22 Α. Yes. 23 And the reason why supervisor 24 recommendations hold the most weight is because 25 they actually see them on the field, correct?



```
5/7/19 - R. Marsh
 1
 2
                 MR. ABRAMSON: You can answer.
 3
 4
 5
 6
 7
 8
                 "Seniority is rewarded with a few
           0.
 9
     younger umpires each year, also given an
     opportunity so that they can gain experience."
10
11
     That matches what you just told me earlier,
12
     correct?
13
           A.
                 Yes.
14
                 But seniority didn't seem to help
           0.
15
     minority umpires get in to the World Series
16
     between 2011 and 2016, correct?
17
                 MR. ABRAMSON: Objection to the
18
            form.
19
     BY MR. MURPHY:
20
                  I don't know about that.
           A.
21
                 Well, 2011 through 2016, there was
           0.
22
     only one minority umpire in the World Series?
23
           A.
                  O.K.
24
                 So since you and Mr. Torre have came
25
     on board, would you agree that these statistics
```

```
1
                     5/7/19 - R. Marsh
 2
     on this page show that the minority umpires who
     are more senior than most of these ones in red
 3
     and in blue were passed over?
 4
 5
                 MR. ABRAMSON: Can I have --
 6
            objection an as to form.
 7
                 Can I have that again.
 8
                 (Whereupon, the record was read.)
 9
                 MR. ABRAMSON: Objection as to the
10
            form.
11
                MR. MURPHY: I'll rephrase.
12
     BY MR. MURPHY:
13
                 Isn't it true that these statistics
           0.
14
     that Mr. Freedman came up with shows that
15
     minority umpires were passed over for the World
16
     Series for umpires that had less seniority?
17
                 MR. ABRAMSON: Objection as to form.
18
            You can answer.
19
           Α.
                 This chart here says nothing about
2.0
     minorities; it just says seniority.
21
           0.
                 Right, right.
2.2
                 And Marquez, Danley, CB Buckner and
2.3
     Angel Hernandez had more seniority than most of
24
     the umpires that were selected for World Series
2.5
     between 2011 and 2016, would you agree?
```

# 5/7/19 - R. Marsh1 2 Possibly, yes. 3 And it says, "A number of criteria 4 are taken in to account when choosing the 5 umpires for special events: Seniority, special event experience, " correct? "Supervisor 6 7 evaluations that include assessment of leadership skills, overall quality of 8 9 performance and fulfillment of duties and 10 responsibilities," right? 11 Right. A. . Would you agree that that was the 12 criteria between 2011 and 2016? 13 14 Yes, I think so. A. 15 16 17 18 19 20 21 22 23 24 25



```
5/7/19 - R. Marsh
1
2
                 MR. ABRAMSON: Objection.
3
            Hypothetical?
4
    BY MR. MURPHY:
5
                 Technically, yes.
           A.
                 One of the things that was raised in
6
           0.
    Angel Hernandez's deposition was that he got
7
     fined for trying to get a baseball for his
8
     colleague who called Homer Bailey's no hitter,
9
10
     is that right?
11
           A.
                 Right, yes.
                                             you were
                  And that fine was
12
           0.
13
     fined --
14
           A.
                  Oh, yeah.
                  -- for doing the same thing, right?
15
           0.
16
                  Yes. I was suspended for three
           A.
17
     days.
                  Suspended for three days.
18
           0.
                  And the suspension was lifted,
19
20
     correct?
21
                  No.
           A.
22
           0.
                  No.
                  And am I right that you had asked
23
24
     another crew to get you --
25
                  Yes.
            A.
```

#### 1 5/7/19 - R. Marsh 2 0. -- a ball? 3 And what was your fine? 4 A. Three days' pay. 5 Q. And was that before or after you 6 became a crew chief? 7 That was after I became a crew Α. chief. 8 9 0. Tell me about that incident, what 10 did you do? 11 I had a friend back home that was in Α. 12 a car business. And he's a very good friend of mine, and he had given me a car to use different 13 14 winters as an additional vehicle to get around. 15 Still friend of mine to this day. 16 He had a relative, still does, he has relatives 17 in Chicago, and I'm trying to think, he wanted 18 to do something for the guy's kid. So I said 19 let me see what I can do. 20 So I got -- I talked to Jim Farrell, 21 the clubhouse guy, asked him to get him, give 22 them to Teddy and Teddy was going to get it to 23 the people before the game. 24 0. Teddy? Barrett? 25 Α. Barrett.

1	5/7/19 - R. Marsh
2	Q. Barrett.
3	A. Teddy was not the crew chief then,
4	Steve Ripley was. And, Steve Ripley called
5	Cathy Davis and told her that I did this, and
6	she ran it up the flag pole.
7	Q. Was Ripley an ump?
8	A. Yep, he was a crew chief.
9	Q. And he was on Barrett's crew?
10	A. Barrett was on his crew.
11	Q. And this was in Chicago?
12	A. In Chicago.
13	Q. And were you in Chicago the previous
14	series?
15	A. No, I don't think so.
16	Q. All right.
17	Has there been occasions where Major
18	League Baseball has refunded fines to umpires at
19	the end of the year?
20	A. I don't know for a fact. I've I
21	would not be surprised.
22	Case in point
23	MR. ABRAMSON: O.K.
24	THE WITNESS: All right.
25	MR. ABRAMSON: Go ahead, you can

1 5/7/19 - R. Marsh 2. answer. 3 THE WITNESS: No, I'll tell him. 4 BY MR. MURPHY: 5 Bob Davidson, and, I'm trying to Α. 6 think what he did, something stupid on the 7 field, and, Joe was fining him, but he also --Joe sat down and talked to him. Joe likes the 8 9 He sat down and talked to him and I was there with him. And I think he told them, look, 10 11 keep your nose clean, no more of these type of 12 incidents at the end of the season and I think 13 what he did was he sent him a card, a Christmas 14 card with the check it in so... he had a heart, 15 too. 16 Q. Joe did not do that with Angel 17 though, correct? 18 Α. Not that I know of. 19 0. If you would go to 15092. 20 On this one, up top, it says, 2.1 "Supervisors and field observers regularly 22 evaluate umpire performance through games in 23 person." 24 The last bullet point on the right, 25 "Supervisors aggregate all of the end game

5/7/19 - R. Marsh 1 2 reports an umpire has received throughout the 3 season and assign an overall grade to teach category." 4 5 Do you agree with that? Yes, that would basically be their 6 7 year-end evaluations, whether you met standard, 8 does not meet standard. 9 And meets and does not meet, are 0. 10 they important criteria for you to utilize; you meaning, Major League Baseball to, utilize in 11 12 the determination of who becomes a crew chief 13 and who does not? It would certainly be considered. 14 A. There are very few does not meets. You consider 15 2400 games times four umpires, that's a lot of 16 things different categories being evaluated. 17 And there might be 10 does not meets during the 18 course of the whole year, or 12, not many. 19 20 But I also notice, if you agree, say 0. so, if you disagree, say so as well, there's not 21 22 a lot of exceeds, either? I think that's because we hold our 23 guys to a high standard. I've given Angel an 24 25 exceeds, last year I gave him an exceeds.

```
1
                      5/7/19 - R. Marsh
 2
           Q.
                 Yep.
 3
                 Next.
 4
           Α.
                 I -- I've already given some this
 5
     year. If I see a guy has handled situation
 6
     exceptionally well even though we expect him to
 7
     do it, but he jumped out and did -- recognized
 8
     the situation and handled it strongly, I think
 9
     he should be told that it was well done.
10
           Q.
                 15097.
11
               Right-side second bullet point, the
12
     LRD, what's that?
13
           Α.
                 I don't know what stands for.
                                                  That
14
     might just be the --
15
                 MR. ABRAMSON: Don't --
16
                 THE WITNESS: All right.
17
                 MR. ABRAMSON: He's not asking you
18
            to guess.
19
                 THE WITNESS: All right.
20
     BY MR. MURPHY:
2.1
           Α.
                 I don't know.
22
                 MR. ABRAMSON:
                                 Thank you.
23
           0.
                 Could that be labor relations
24
     department?
25
           Α.
                  I don't know.
```

# 5/7/19 - R. Marsh

Q. At one point earlier in the conversation that we've been having, you indicated that evaluations go to legal.

Would they also go to labor relations?

A. Sure.

- Q. And why would legal and labor relations, why should they have any impact in the reports?
- A. They're basically making sure we didn't say something stupid. Like saying a guy's fat or something like that, making sure we're using correct wording in our -- that's it.
- 15 Q. 15101?
- 16 A. 150 --
  - 0. 15101.

The zone evaluation system in the middle box, the last bullet point, "Many umpires blame the system for bad scores and will often argue that the system is calibrated incorrectly or that their version of the strike zone is preferred by players and managers," do you see that?

A. Yes.

1

2

3

4

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6

7

8

9

10

11

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13

14

15

16

17

18

19

20

21

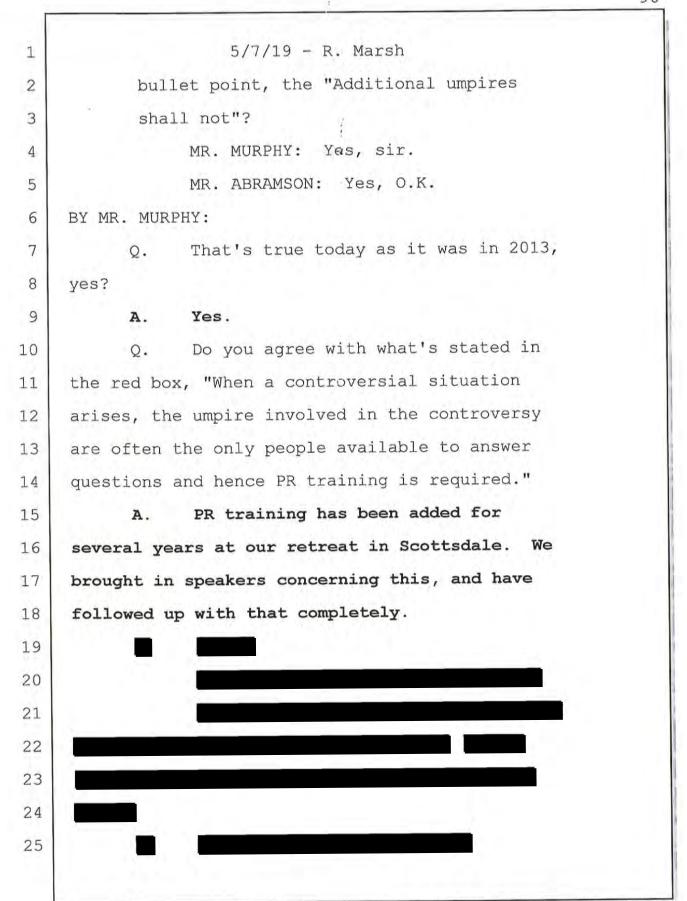
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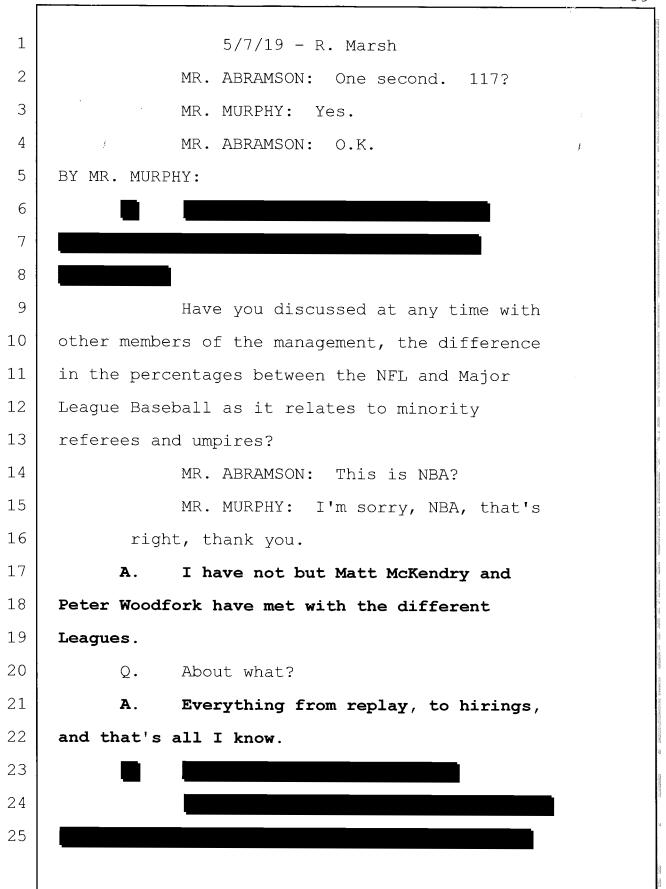
# 5/7/19 - R. Marsh Q. Would you agree with that statement? Α. I have to explain something. The -- during those years, the box you would see on TV was different than ours. And that's all the players want to look at, to see what's on TV. Ο. And would you agree, we spent some time yesterday talking to Matt McKendry about 23 24 the buffer zone? Α. Yes, yes.

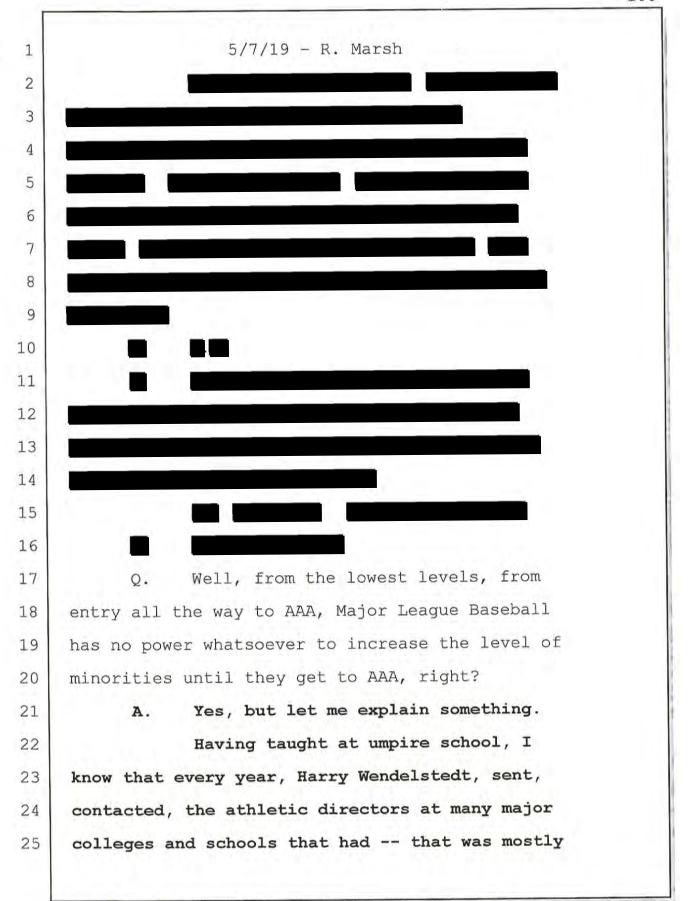
#### 5/7/19 - R. Marsh 1 2 The two-inch and one-and-a-half-0. 3 inch? 4 Richt. A. 5 0. And isn't it true that as you just described with the players then, it's true with 6 7 the players now, that they don't understand that 8 buffer? 9 A. Yeah. And the TV that we see in watching 10 0. baseball games doesn't have the buffer either, 11 12 does it? 13 A. Yes. And would you agree that brings 14 15 additional scorn to the umpires from the players 16 and the coaches --17 What'd you say, it brings? Α. 18 0. It brings a misunderstanding --19 Yes, yes. A. 20 -- in their mind. 0. For instance, the Kinsler incident 21 22 of a couple years ago, he complained about the 23 first pitch, and then complained about the 24 second pitch, and was ejected. 25 As it turns out, both pitches were

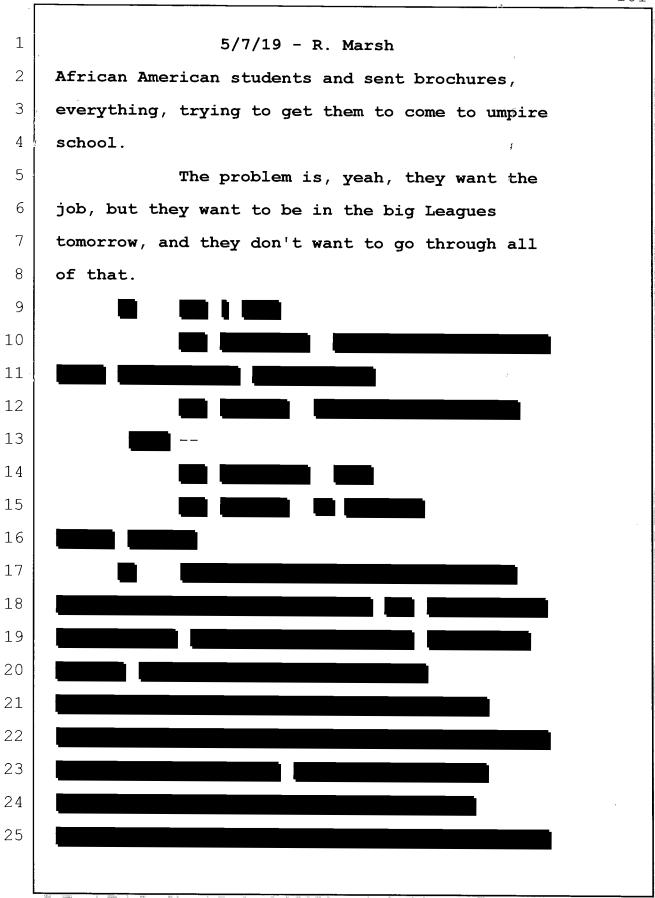
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1
                      5/7/19 - R. Marsh
 2
     called correctly by Angel Hernandez, but Mr.
 3
     Kinsler and his manager are not told that, are
 4
    ! they?
 5
           A.
                 No.
 6
           0.
                 No, I'm correct?
 7
           Α.
                 You're correct.
 8
           Q.
                  15104. "Umpires are not allowed to
 9
     make comments that create an appearance of a
     lack of impartiality towards the player or the
10
11
     club that are critical of the Commissioner of
12
     Baseball or that otherwise are inimical to the
13
     best interest of baseball."
14
                 MR. ABRAMSON: Where are you reading
15
            from?
16
                 THE WITNESS: Down at the bottom,
17
            yeah, I think.
18
                 MR. ABRAMSON:
                                 Well, let --
19
                 MR. MURPHY: Yes, second bullet
20
            point.
21
     BY MR. MURPHY:
22
           Ο.
                  That's still true today as it was in
23
     2013, correct?
24
           Α.
                 Yes.
25
                 MR. ABRAMSON: O.K., the second
```

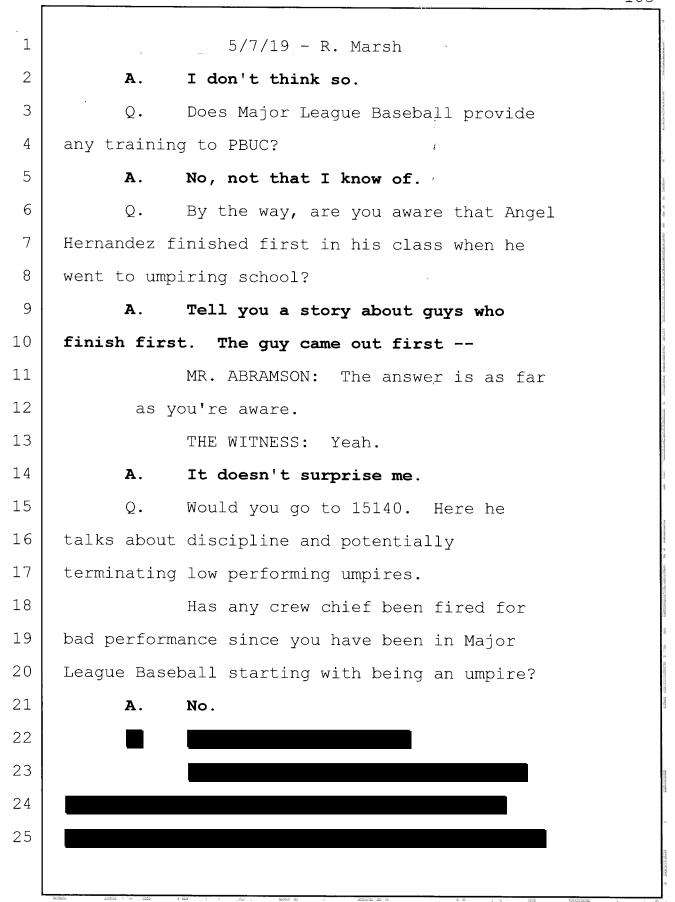


5/7/19 - R. Marsh 1 Would you agree that "Angel is in 2 great shape and keeps himself that way through 3 his career"? 4 Always has. 5 A. On the next page, 15112, "Injuries 6 0. remain an important issue for an umpiring 7 8 staff." Would you agree that injuries have 9 never been an issue with Angel? 10 Yes, they have. In 1999, the year 11 of the staff resignation, our crew was Joe West, 12 Larry Vanover, Angel and myself, I was a crew 13 chief, and as a result, West and Vanover had 14 lost her job at the time. Angel said his back 15 was killing him and he couldn't work and he 16 didn't work the whole month of September. 17 And I had three AAA guys I had never 18 met before worked with me the whole month. 19 But other than that one month, do 20 0. you know of any other time lost or significant 21 time lost by Angel? 22 No, he's -- he comes to work every 23 24 day. 15117. 25 0.









```
5/7/19 - R. Marsh
 1
 2
     to of those 25, if any?
 3
                 MR. ABRAMSON: Objection to form,
 4
            you mean Major League Baseball?
 5
                 MR. MURPHY: Yes, sorry.
 6
                 MR. ABRAMSON:
                                 Yes.
7
           Α.
                 Six or seven.
8
           Q.
                 San Diego, how many scholarships?
 9
           Α.
                 I don't know, but it was a -- it was
     a good turn out, but it was also lot of those
10
11
     guys are military, they still had obligations
12
     but they wanted to learn more umpiring.
13
           Q.
                 In Cinci, of the six or seven that
14
     were given scholarships, how many were not
15
     white?
16
           Α.
                 I don't know.
17
                 Here on 15146, Mr. Freedman says,
     "In addition to improving access to diversity
18
19
     candidates, strategic partnerships may also
20
     allow MLB to assist Minor League umpires in
21
     finding employment during the off-season."
22
                 Has that been done?
23
           Α.
                 No, other than some Minor League
24
     want to go to winter ball. And they -- they're
25
     helped through PBUC to get them involved in
```

```
5/7/19 - R. Marsh
1
2
     those Leagues.
3
                 Anything else?
           0.
           A.
4
                 No, sir.
                 MR. ABRAMSON: Objection -- anything
5
            else with respect to the partnerships?
6
7
                 MR. MURPHY: One of the things I
            told him if he didn't understand a
8
            question, he could ask me so he understood
9
10
            so...
                 MR. ABRAMSON: Objection as to the
11
12
            form.
13
                 MR. MURPHY: O.K.
14
     BY MR. MURPHY:
                 The first bullet point says, "Given
15
           0.
     the long-term nature of umpire development, the
16
17
     only way to" --
                 Excuse me, where are we?
18
           A.
                 I'm sorry, I'm sorry, Randy. 15146?
19
           0.
20
           A.
                 O.K.
                  "Given the long-term nature of
21
           0.
22
     umpire development, the only way to approach
23
     MLB's diversity issue is through lower level
     recruitment of minorities."
24
                  Would you agree that Major League
25
```

1 5/7/19 - R. Marsh2 Baseball had a diversity issue problem in 3 umpiring in 2013? 4 MR. ABRAMSON: Objection as to form. I don't -- I don't know, but they 5 Α. have been doing everything they can to improve 6 7 that situation. 8 Q. And everything they can is umpire 9 camps and -- well, what else is Major League Baseball doing besides the umpiring camps? 10 11 Well, the Minor Leagues would 12 probably be it. We do -- we are always open to 13 recommendations from people that see guys 14 umpiring in amateur ball that think they could 15 be given a shot at least trying going to umpire 16 school. We're open minded to find these 17 candidates in any way we can. 18 Q. What minority umpire was ever given 19 a Major League job that came from any place 20 other than going through the school to rookie league to the minors? 21 22 I don't know of any. Α. 23 0. 15147, the last page, "MLB should 24 seek the benefit from its substantial investment 25 in umpiring through strategic marketing,

- 1	
1	5/7/19 - R. Marsh
2	Of Replay Equipment, marked for
3	identification, as of this date.)
4	BY MR. MURPHY:
5	Q. I've handed you what we have marked
6	as 15.
7	Do you recognize this as being the
8	equipment behind when you open this door on 14?
9	A. Yes.
10	Q. Not a very big screen, is it?
11	A. It's what we used for years.
12	Q. How many years?
13	A. I'm not sure exactly how many but
14	I don't know exactly.
15	Q. This basically is the size of a
16	computer screen, correct?
17	MR. ABRAMSON: Objection as to the
18	foundation.
19	BY MR. MURPHY:
20	Q. Would you agree?
21	A. Little bigger.
22	Q. And this was not HD like the one in
23	the umpire's room, correct?
24	A. That's my understanding.
25	Q. Am I right?

```
1
                      5/7/19 - R. Marsh
 2
                 I think so.
           Α.
 3
           Q.
                 Yeah.
 4
                  (Plaintiff's Exhibit 16, Photograph
 5
            of Replay Operations Center, marked for
 6
            identification, as of this date.)
 7
     BY MR. MURPHY:
 8
                 I'm showing you what we have marked
           Ο.
 9
     as 16. This is going to be in conjunction with
10
     17, which I'm going to give to madam court
11
     reporter right now.
12
                  (Plaintiff's Exhibit 17, Photograph
13
            of Replay Operations Center, marked for
14
            identification, as of this date.)
15
                 MR. ABRAMSON: Can we have a
16
            representation from counsel as to whose
17
            holding up the ruler?
18
                 MR. MURPHY: I think that might have
19
            been Angel himself.
20
                 MR. GREGG: I don't know, I actually
21
            don't know.
22
                 MR. ABRAMSON: O.K., thank you.
23
            is the one with this one and 17 this is
24
            one (indicating)?
25
                 MR. MURPHY: Yes.
```

## 5/7/19 - R. Marsh

Q. Now, do you believe that baseball would've been better served when they started the replay system by giving the umpires a wide screen HDTV to review as opposed to these small non-HD screens?

MR. ABRAMSON: Objection to form.

- A. I guess you could certainly say that.
- Q. Were you aware in your position at that time in 2013 that No. 2 umpires during replays were going into the umpires' dressing room to see replays on a better screen so that they could tell their crew chiefs what they saw in the locker room in order to try to help the crew chief make the right call?

### A. No.

2.0

2.2

2.4

- Q. And isn't it true, sir, that Angel Hernandez was not permitted to go into the umpires' room so that he could get a better look on a better screen as to whether that was a double or a home run?
- A. I don't think that he did, but he's not supposed to have at that time.
  - Q. Would you agree that the use of this

```
5/7/19 - R. Marsh
1
2
           A.
                 Yeah.
 3
                 After this incident, Jerry Meals
           0.
 4
    made crew chief, correct?
 5
                 I believe so. Think I was there for
           A.
 6
     that.
 7
                 Yeah.
           0.
                 Sure, he wasn't a crew chief before
8
           A.
 9
     that. I think he was a crew chief when that
10
     happened.
                 On August 7, 2001, you were on the
11
           0.
12
     field with Angel when Steve McMichael, the
13
     former Chicago Bear said over the loud speaker
14
     in Chicago after singing Take Me Out to the Ball
15
     Game, that he was going to meet Angel Hernandez
16
     after the game to have some speaks about Angel
17
     calling a Cub out at the plate, do you remember
18
     that?
19
                 I was on the field.
           A.
20
           0.
                 You were the crew chief, yes?
21
           A.
                 Yup.
22
                 Now the media reported that Angel
           0.
23
     Hernandez had McMichael removed from the game,
24
     do you remember that?
25
           A.
                 No, that's not what happened.
```

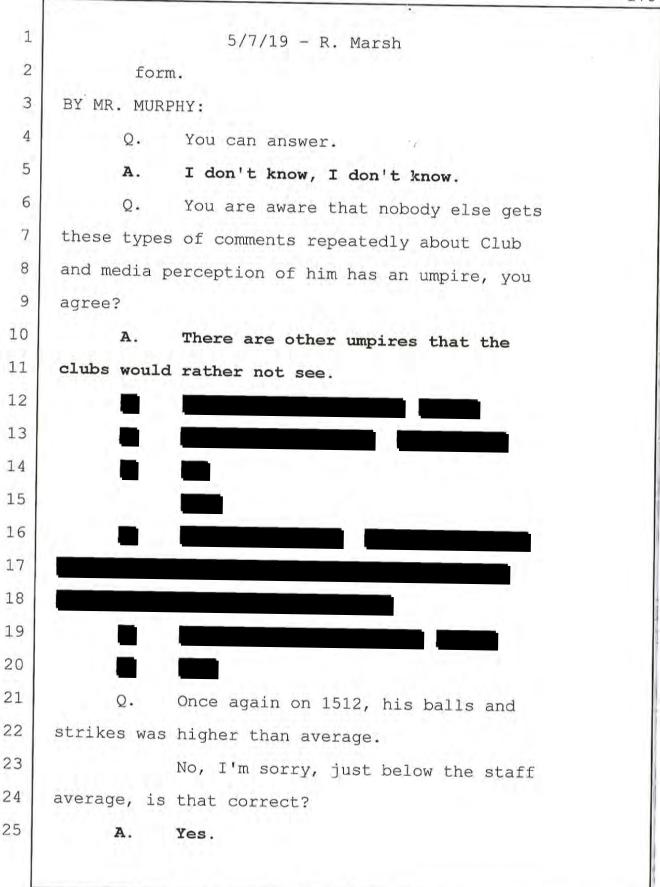
```
5/7/19 - R. Marsh
1
     she's -- she's a go-to person.
2.
3
                 And you'll see the next page,
           0.
     Potential Crew Chiefs For 2018, 14993, do you
4
5
     see that?
 6
           Α.
                 Yes.
                 Have you ever seen this document
7
           0.
 8
     before, sir?
 9
           A.
                  Nope.
                  Makes for less questions.
           0.
10
11
           A.
                  Uh-hum.
                  Do you know if this is -- I think I
12
           Ο.
13
     know the answer to this, but I need to ask it
14
     anyway.
                  Do you know if this was a process of
15
     taking all of these statistical data of each
16
     umpire and putting them together for Mr.
17
     Woodfork, was that first started in 2018?
18
                  I -- I think so, I don't know for
            Α.
19
20
     sure.
                  Based upon your knowledge, is it
21
            Ο.
     true that nothing like this was ever done before
22
23
      July of 2017 as it relates to selecting crew
24
      chiefs?
25
                  Yes.
            Α.
```

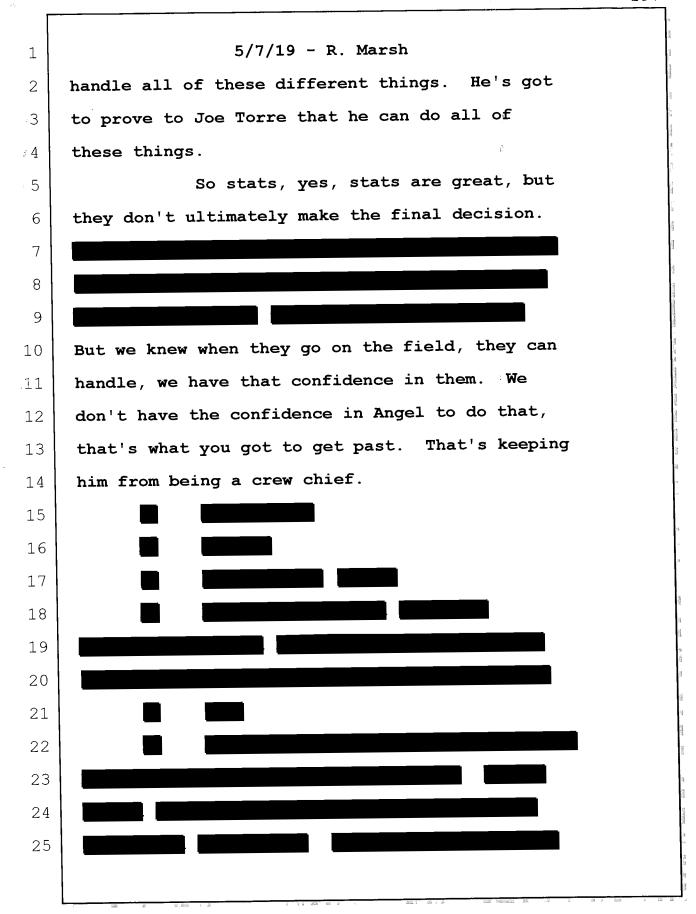
## 5/7/19 - R. Marsh 1 From 997, Hernandez to Mark Wegner, 2 Ο. 5005, I'm going to withdraw that. 3 Does Mr. Manfred weigh im at all? 4 5 Α. No. Are you aware that Mr. Torre has 6 told Angel that he will become a crew chief some 7 8 day? 9 Α. Yes. What's the difference between a 10 0. supervisor and an observer, Mr. Marsh? 11 We have observers in about -- we did 12 have like in 11 cities. There are people that 13 have been with us for quite a few years, they're 14 either former umpires, former players, people 15 very knowledgeable in the game that are trained 16 to make evaluation reports on the umpires on 17 18 appeal. They do not have interaction with 19 It's 2.0 the umpire before or after the game. strictly what they see on the field. 2.1 O.K. 22 0. So what we look at sometimes say the A. 23 observer may say that a guy is bad mobility, but 24 we've got him covered through our Health 25

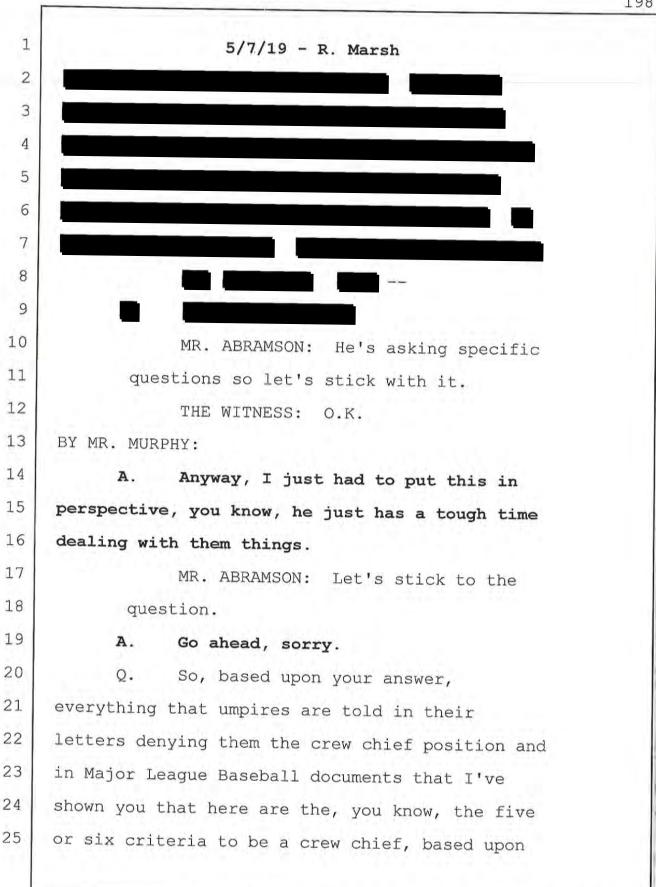
1 5/7/19 - R. Marsh Department that he is still working but -- so he 2 3 doesn't know but we can correct that. 4 A -- supervisors are actually at the 5 games, and fill out evaluation report on every 6 umpire for every game. 7 And are the umpires encouraged to 8 talk to supervisors? 9 A. Yes. 10 Since this lawsuit took place, have Q. the supervisors been told not to talk to Angel? 11 12 A. Not at all. 13 (Plaintiff's Exhibit 22, 2011 Umpire 14 Midyear Performance Evaluation, Angel 15 Hernandez, dated 4/1/93, DEF 1504 through 16 1506, marked for identification, as of 17 this date.) 18 BY MR. ABRAMSON: 19 I'm going to show you what we have 20 marked as Exhibit 22. You'll see in the lower, 21 lower right-hand side, the Bates number 1504. 22 This is the midyear evaluation for 2011. 23 On 1505, under Administrative 24 Component, it says, "This component" --25 MR. ABRAMSON: Where are you reading

# 1 5/7/19 - R. Marsh 2 had a meets standards on that. 3 0. Yes. 4 1508 at the bottom, "Your crew chief switch at the All Star Break was a difficult 5 6 situation for you to embrace, but you rose to 7 the challenge and made a conscious effort to 8 make a less 'noticeable' approach in the second 9 half of the season. This effort needs to 10 continue going forward. You are a very talented umpire, but you are battling the perception of 11 12 the Clubs and media that you are routinely 13 attempting to put yourself in the spotlight." 14 At what point in the process to determine crew chiefs does making a mistake get 15 16 finally put in the past? 17 MR. ABRAMSON: Objection as to the 18 form. 19 BY MR. MURPHY: 20 I think it's put in the past from 21 year to year, it's another year, each year is a 22 new year unless the person has repeated events 23 as such. 24 Did you know of anything else that he has done besides balk calls that warrants the 25

```
5/7/19 - R. Marsh
1
    comments that Major League Baseball continues to
2
    give him about battling the perception of the
3
4
     clubs and the media?
                 MR. ABRAMSON: As of 2011 or as of
5
6
            today?
                 MR. MURPHY: Yes, both.
7
                 MR. ABRAMSON: O.K.
8
                 THE WITNESS: Say it again real
 9
            quick, please.
10
                  (Whereupon, the record was read.)
11
     BY MR. MURPHY:
12
13
           Α.
                 No.
                  1509, under B, that was a positive
14
     comment at the bottom about understanding
15
     policies and procedures, would you agree?
16
17
           Α.
                  Yes.
                  Have the rules of baseball been
18
           Ο.
     changed drastically in any way after 2011?
19
                  Rules themselves, if they have, it's
20
           Α.
     just been wording, you know, to clarify.
21
                  Now, we do have pace of game issues
2.2
     that are really in to play, and it's a lot more
23
24
     responsibility for every umpire.
                  On 1510, take a look at the top,
25
            Q.
```





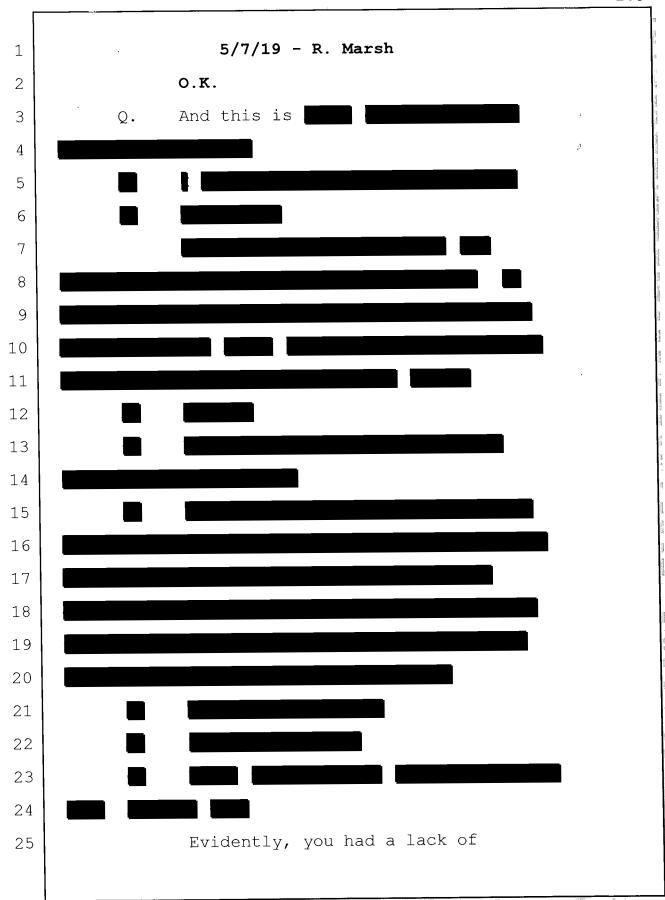


5/7/19 - R. Marsh1 your answer, it's your belief that it's all 2 about situation management: You can be a better 3 umpire calling balls and strikes, you can be a 4 better umpire on the base paths, you can be a 5 better umpire knowing the rules, you can be a 6 better umpire in better physical condition, but 7 if you're not as good as the other guys in 8 situation management, you're not going to make 9 crew chief, is that an accurate statement? 10 I think it's an accurate statement. Α. 11 Do you believe that because baseball 12 Q. managers, especially before this lawsuit, were 13 overwhelmingly white --14 Baseball managers? 15 Α. -- managers, that non-white umpires 16 0. had more difficulty with situations than their 17 white counterparts? 18 19 Α. Totally disagree. All right. 20 0. 21 22 23 2.4 25

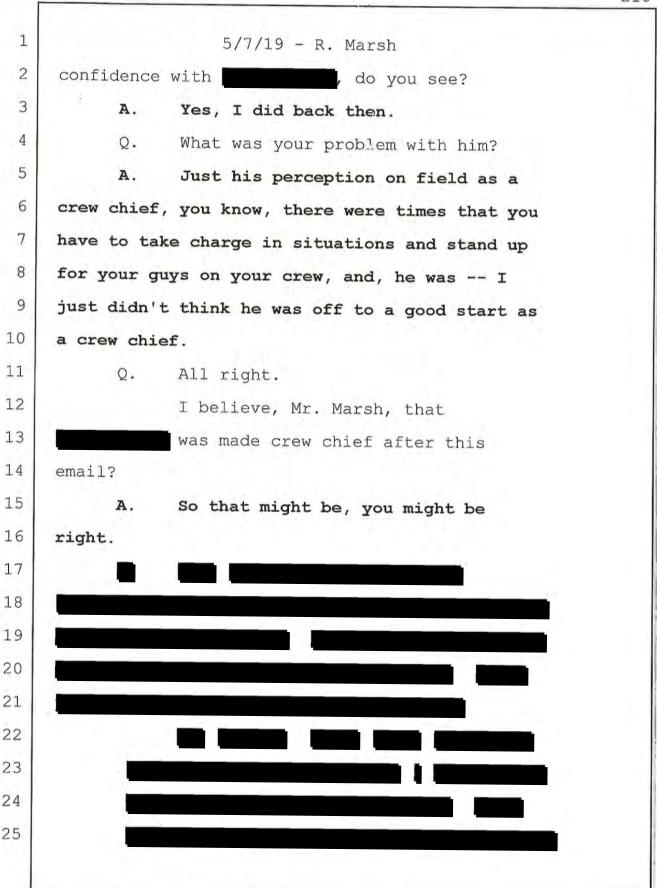
```
5/7/19 - R. Marsh
1
2
    their white counterparts?
                                Objection.
                 MR. ABRAMSON:
3
                 I disagree.
           Α.
4
                 All right.
5
           Q.
                 On this exhibit in front of you,
 6
     10822, you'll see on the right side, E, and D,
 7
     can you tell me -- and E's in green and D's in
 8
     red, can you tell me what that means if you
 9
     would.
10
                 E would be exceeds. And D would be
11
           Α.
12
     does not meet.
                  O.K.
13
           Ο.
                  Hernandez's amount of incidents,
14
     total ejections, warnings, equipment violations,
15
     were lower than average, would you agree?
16
                  Compared to some other ones, yes.
17
           Α.
                  Those are situation management
18
            0.
     incidents, right?
19
                            It's -- if you're looking
                  Usually.
20
            Α.
     at incidents, is that what you're talking about?
21
                  Yes.
22
            Q.
                  Well, incidents could be equipment
23
            Α.
     violations, warnings, warnings to the teams,
24
      things like that.
25
```

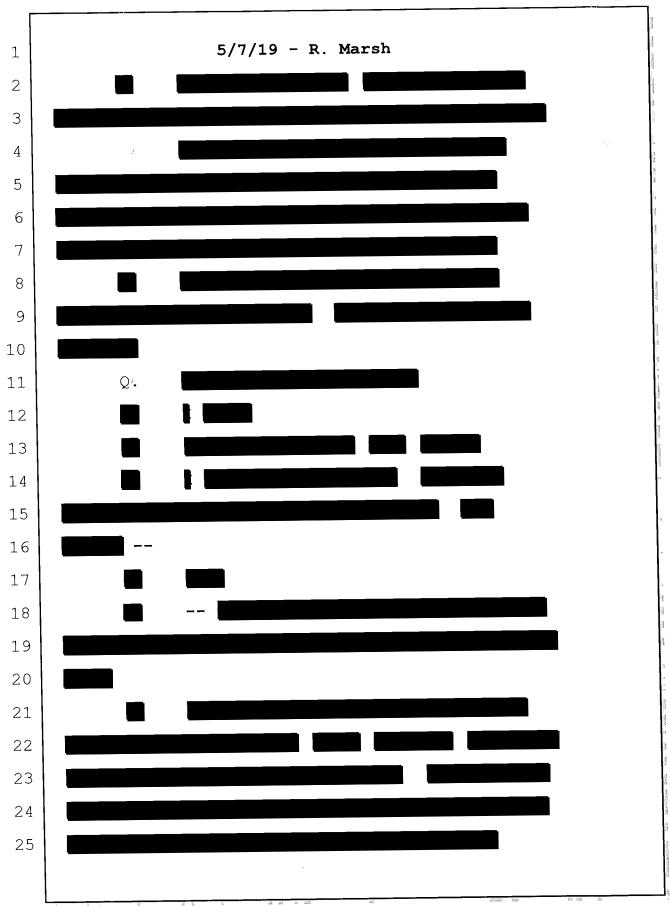
```
1
                      5/7/19 - R. Marsh
 2
                  Those are all situation management,
           Q.
 3
     right?
 4
           A.
                  Yes.
 5
           0.
                 And
                                  , who was made a
     crew chief, he had nine, Hernandez had three, do
 6
 7
     you see that?
 8
           A.
                  So . . .
 9
                 That situation management didn't
     seem to hold him back from being a crew chief?
10
11
                 Yeah, but, that's possibly because
     he had warnings, he had situations come up on
12
13
     the field; it's incidents, not necessarily
14
     negative incidents.
15
           Q. Right.
16
                 O.K.
17
                 Well, calling a rule violation
     doesn't necessarily have to be an incident
18
19
     either, right?
20
                      I mean, if you look at it this
     way, had three exceeds and does not meets in
21
22
     those areas.
23
                 Angel had one and one.
24
           Q.
                 Right.
25
                          had a higher replay
```

5/7/19 - R. Marsh1 percentage overturned than Angel, correct? 2 3 Α. Yeah. Why does baseball keep all of these 4 statistics on sports or the umpires? 5 Sports are statistically driven. 6 Α. So all of this is important, yes? 7 0. 8 Α. I guess. Did you have this data in front of 9 Ο. you -- or let me change that. 10 Did you have this data provided to 11 you when you weighed in on who you wanted crew 12 chief between 2011 and 2018? 13 Yes, we did, every year Raquel or Α. 14 Matt would make this information up so we could 15 look at a comparison one to the other. But it 16 still has the one area, don't talk about that's 17 not in there, and that's how you conduct 18 yourself on the field and how you're accepted on 19 20 the field. (Plaintiff's Exhibit 30, email from 21 Woodfork, to McKendry, dated 10/16/2015, 22 Re World Series, Bates stamped DEF 7615, 23 marked for identification, as of this 24 date.) 25

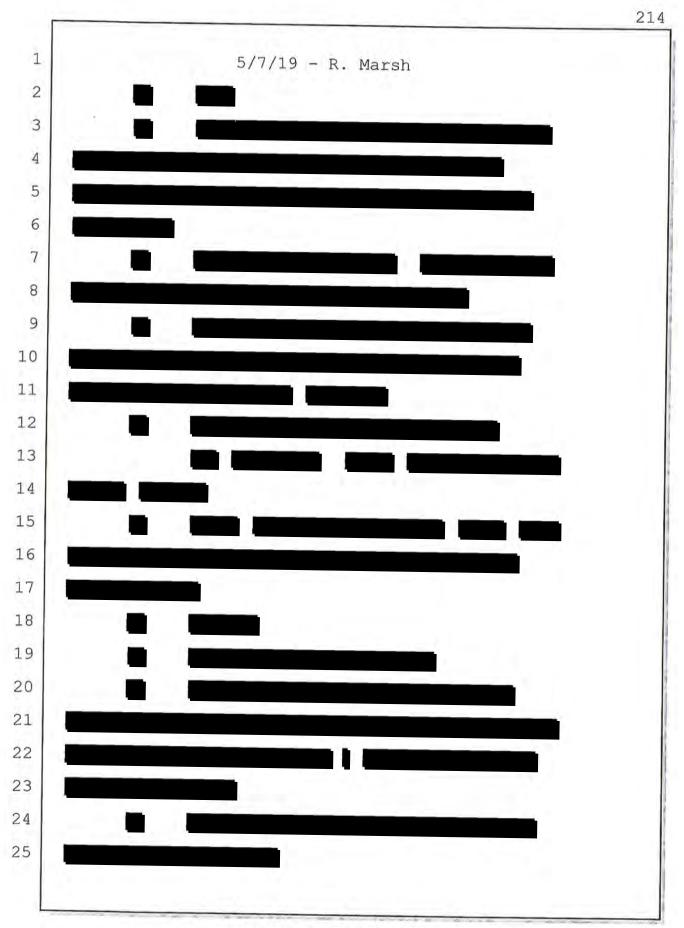


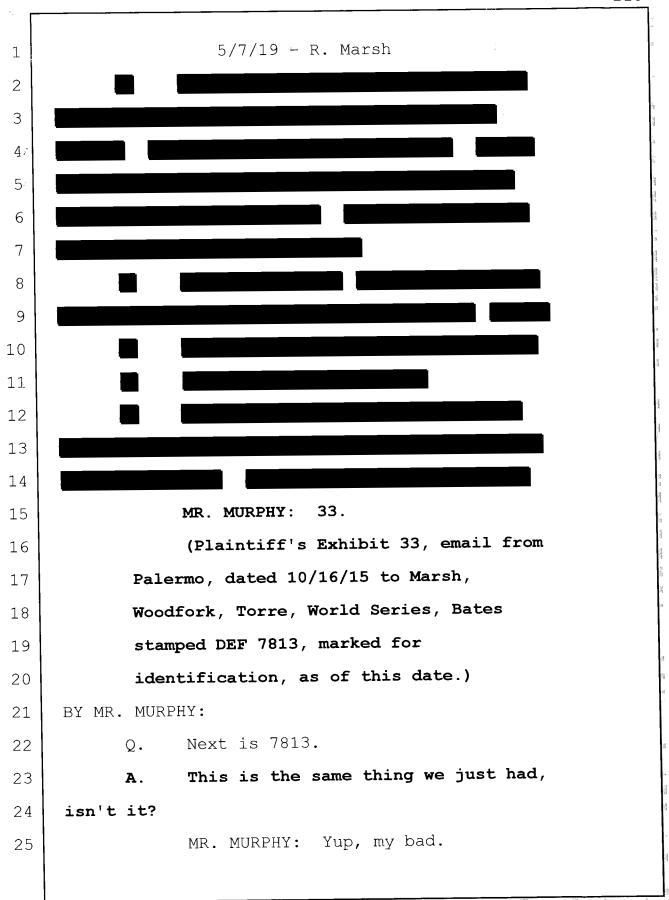
D'Amico Certified Reporting 908-546-7650





D'Amico Certified Reporting 908-546-7650





# 5/7/19 - R. Marsh

Q. Of the 14 umpires that submitted their names for crew chief positions, how many of these fellows are not white but rather a minority candidate, we know Angel Hernandez is one, are there any others?

## A. No.

Q. Would you agree that part of being a leader is stepping in to be an interim crew chief?

## A. Sure.

Q. Are the criteria for being an interim crew chief and a crew chief -- I'll change that.

Is the criteria the same to be an interim crew chief as it is to be a permanent crew chief?

### A. Yes.

Q. On Angel Hernandez you indicate that "he is really in to being a crew chief, he would love the challenge," you state, and at the bottom, you said that you wondered "If umpires with less seniority are picked over him," you were concerned about how he would react, am I right?

```
5/7/19 - R. Marsh
1
                 Yes.
          Α.
2
                 Many of these umpires that you spoke
3
           0.
    with conveyed to you, am I right, that they
4
    understood that there were more umpires senior
5
     to them?
6
           Α.
                 Yes.
                 All right.
8
           Q.
                 Like for instance, Bill Miller he
 9
     applied because he didn't want you to think that
10
     he wasn't interested?
11
                  Several were like that.
           Α.
12
                  Yes.
13
           0.
                  Do you remember who was selected?
14
                  I believe it was -- I thought Jim
15
           Α.
     Joyce, Fieldin Culbreth, Sam Holbrook, I believe
16
17
     2012.
                  Yes, and with Mr. Culbreth, you have
18
            0.
     no recollection of calling him --
19
20
            Α.
                  No.
                  -- to ask him to apply?
21
            0.
            Α.
                  No.
22
                   (Plaintiff's Exhibit 35, email from
2.3
             Marsh, to Montague, World Series
24
             Selection, dated 10/11/2012, Bates DEF
 25
```

1 5/7/19 - R. Marsh 7884, marked for identification, as of 2 3 this date.) BY MR. MURPHY: 4 5 This next exhibit is 35, Bates stamp 0. 7884, Eddie Montague in 2012 put in his picks 6 7 for the World Series. And he picked Angel Hernandez as one of his selections, right? 8 9 A. Yup. 10 And am I right, Mr. Marsh, that since Angel Hernandez was last in the World 11 Series in 2005, there are some umpires that have 12 had the World Series twice and even three times, 13 14 correct? 15 A. I am not sure, but I would not be 16 surprised. 17 0. And umpires really like being 18 selected to the World Series, correct? 19 A. Yes. 20 0. Their family gets to go? 21 A. Yes. 22 0. There's more money paid to the 23 umpires for World Series than there is for the rest of the playoffs, right? 24 25 A. Yes.

1 5/7/19 - R. Marsh 2 Q. October 26, 2011 email from Meriwether to Rich Rieker, copy to you, do you 3 4 see that? 5 A. Yes. 6 Chuck Meriwether selected Angel 0. 7 Hernandez as one of his six? 8 A. Yes. 9 (Plaintiff's Exhibit 37, Email from 10 Brian Lam, to Marsh dated 12/15/2102, 2013 11 Crew Chief Candidates, Bates stamped DEF 12 8001, marked for identification, as of 13 this date.) 14 BY MR. MURPHY: 15 0. This is Plaintiff's Exhibit 37, 16 Bates stamp 8001. Brian Lam emails you in 2012, 17 about 2013 crew chief candidates. Brian Lam was the president of the union -- I'm sorry, Brian 18 19 Lam was legal counsel for the union? 20 A. He was at the time. 21 And had crew chief selections been 0. 22 made in mid December for 2013? 23 We try to select them during that time because we have our meeting, our retreat 24 25 meeting in Scottsdale in January. And when they

5/7/19 - R. Marsh 1 2 come there, we try to have crews set up, they sit together at all of the meetings, they start 3 working on scheduling stuff and everything 4 together, yes, we usually have them done ahead 5 6 of time. 7 Do you announce to the umpires at Ο. 8 the meeting in Arizona? No, they know ahead of time. 9 Α. They know it --10 0. Α. They know when the crew chiefs have 11 been appointed and they will know their crews 12 before they go out there. 13 14 It says here, "The three crew chiefs Ο. were Joyce Barrett, Fieldin Culbreth," it says 15 Angel Hernandez was a finalist. 16 What does that mean? 17 Well, I think we got to, when we 18 A. were talking about the crew chiefs, we talked 19 with Joe and ended up getting, you know, who 20 would be the top three to be the crew chief. 21 And then the other -- the guys Angel and 22 were the next in line as far as and 23 who the supervisors thought it should be, so... 24 25 0. I see.

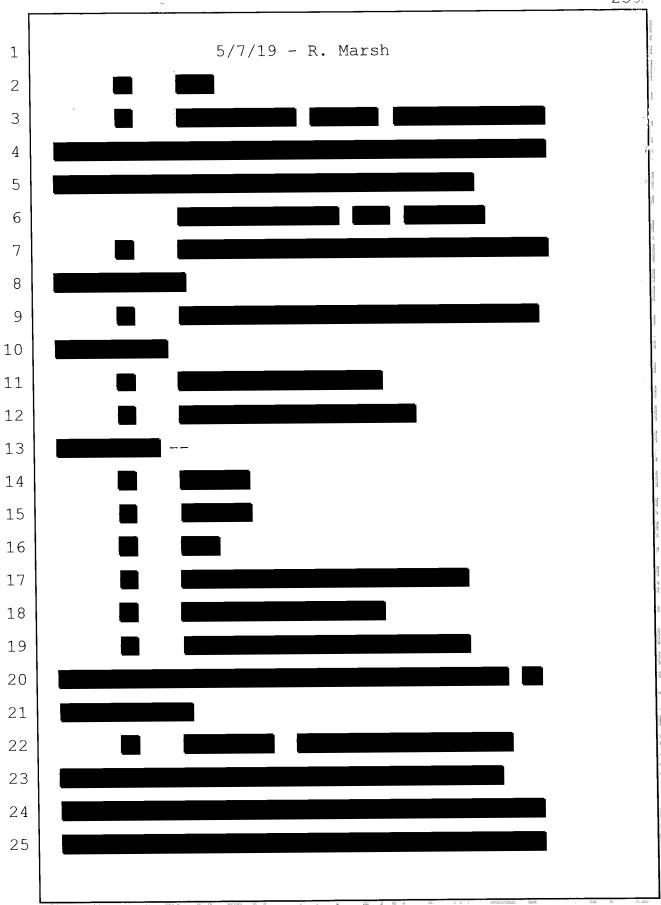
5/7/19 - R. Marsh

My question to you is: Since this is a criticism or at least a question, should umpires enforce the rules to the letter of the law?

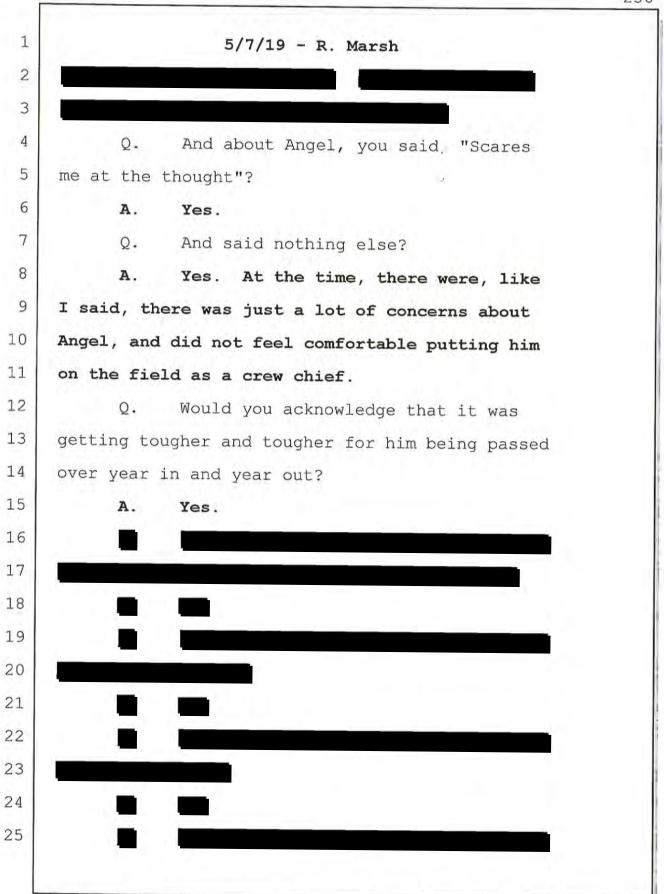
#### A. Sure.

- Q. But can you see the dilemma, based upon what we've discussed and read so far, that if you enforce the rules to the letter of law, as you should, and it creates a perception of you with the Clubs, that lines up being a part of the consideration to not make you a crew chief and not make you a postseason World Series candidate, do you see that?
- A. A lot of umpires have to make crucial calls, O.K. and, that doesn't prevent them from being selected postseason. That's the nature of the job.
- Q. Do you believe that enforcing rules to the letter of the law means that you're looking for trouble?
  - A. No, no.
  - Q. Here is an email that you wrote in

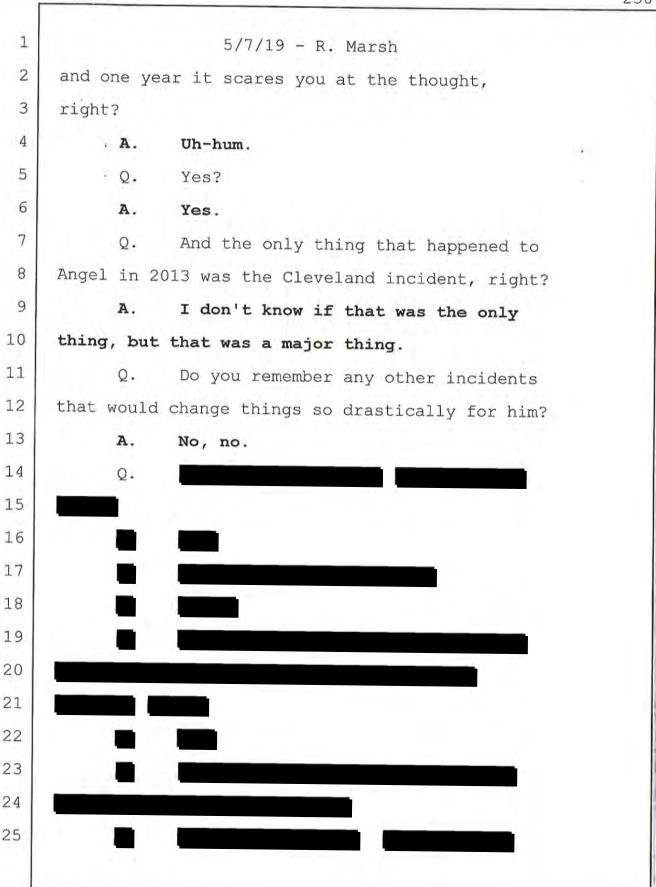
1 5/7/19 - R. Marsh 2 2013, to Peter Woodfork, Matt McKendry and Rich 3 Rieker, you copied Joe Torre. You just "want to add a few thoughts about future crew chiefs 4 5 since we have sent out a memo for interested 6 umpires." 7 A. Yup. "To be honest, I don't think we have 8 Q. an abundance of logical choices," right? 9 10 Take a look at that briefly. 11 A. (Pause in proceedings.) 12 MR. MURPHY: Let's go off the record 13 for a second. I just want to give you an 14 opportunity to read it. 15 THE VIDEOGRAPHER: Going off camera, 16 the time is 4:28. 17 MR. MURPHY: We're back on camera, 18 the time is 4:29. 19 BY MR. MURPHY: 20 21 22 23 24 25

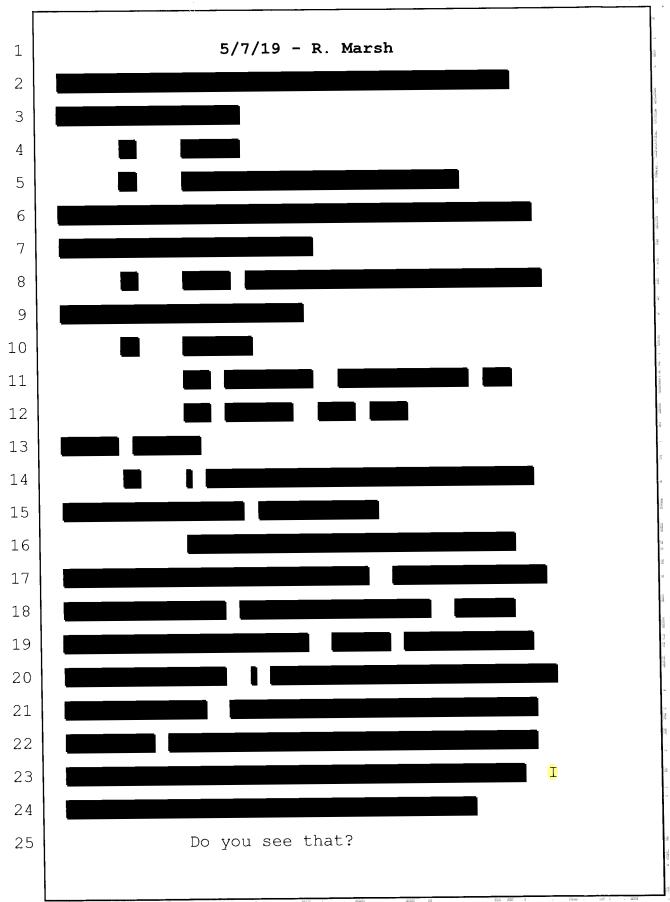


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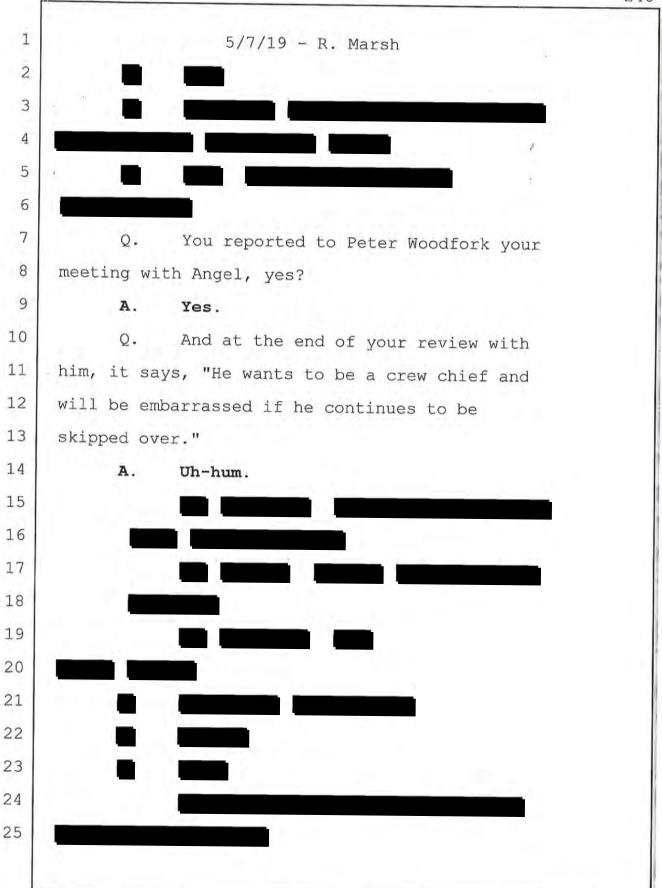
```
5/7/19 - R. Marsh
1
2
3
4
                  This one here, if you would, take
5
           Q.
     this here, and try to find that one for me, I
6
     can't remember what number it is, it's the one
7
8
     with --
                  MR. GREGG:
                               37.
 9
                  MR. MURPHY: 37.
10
     BY MR. MURPHY:
11
                  If would you try to find 37.
12
           Q.
                  All right, the one we're on now is
13
     12/17/2013, do you see that?
14
15
            Α.
                  Where are you at?
                  Randy Marsh, do you see that?
16
            0.
17
            Α.
                  Oh, yes.
                  That's a year and two days from the
18
            Ο.
     Brian Lam 12/15/2012, do you see that?
19
20
            Α.
                  Yes.
21
            Q.
                  All right.
                  This is '13.
2.2
            Α.
                  Yes, they're one year apart.
23
            Q.
                  Yes.
2.4
            A.
                  And Angel was a finalist and fifth
25
            Q.
```

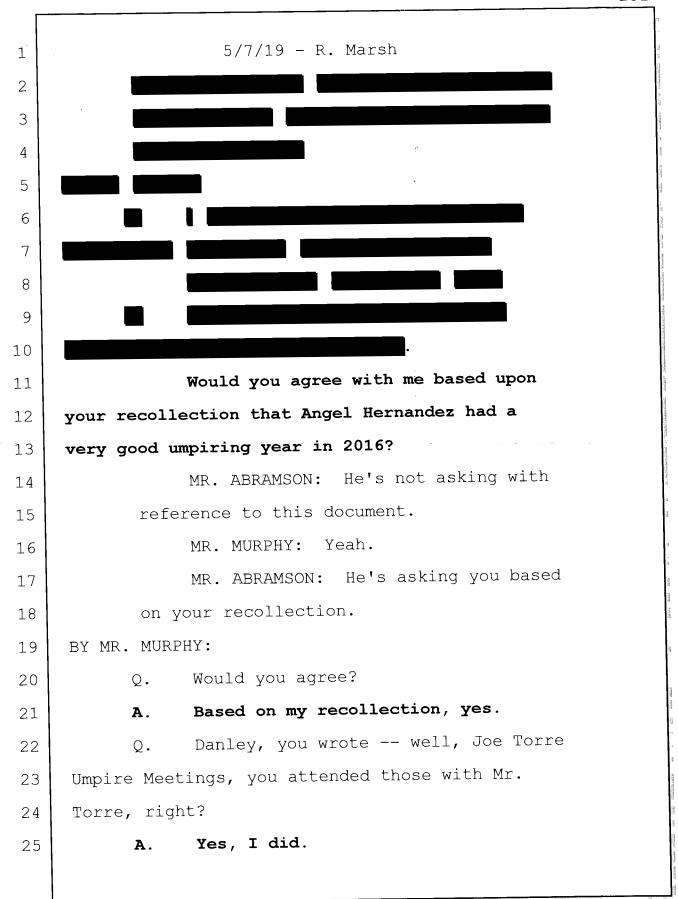


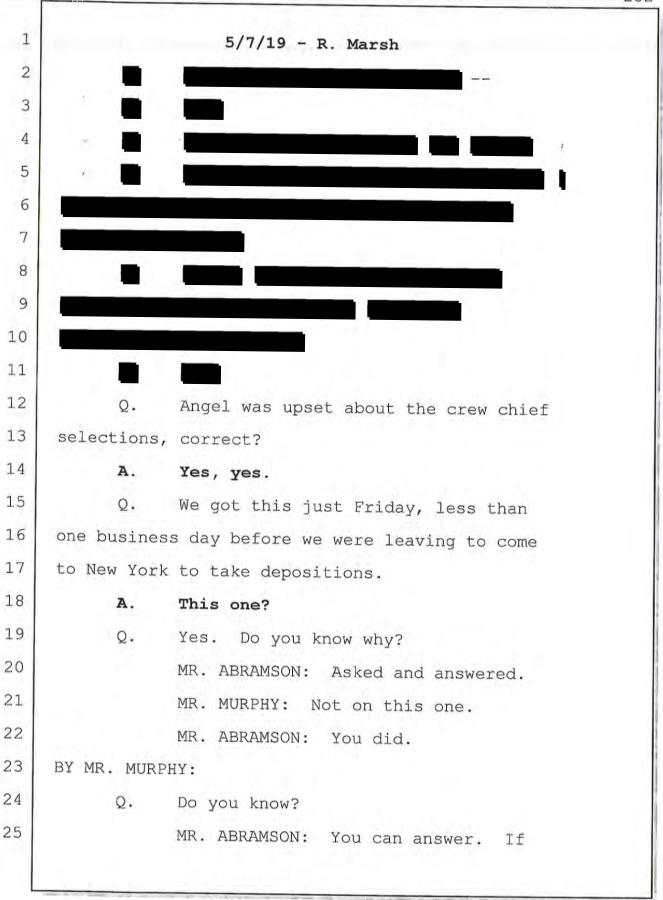


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1 5/7/19 - R. Marsh 2 A. Yes. 3 "A few years ago, Cederstrom was Q. appointed crew chief over 16 others, and it 4 5 deflated the staff." 6 Do you see that? 7 A. Yes. 8 That actually happened, right? 0. 9 A. Yes, it did. 10 So, when you were saying here, that 0. he would be skipping other 31 umpires and some 11 12 of them have 20 years in the majors, that 13 would've included Angel Hernandez? 14 A. Yes. 15 Were you conveying to Mr. Woodfork, 16 Mr. McKendry, Mr. Rieker and Mr. Torre that 17 passing people over with many more years would be not a smart thing to do as it relates to 18 19 selecting crew chiefs? 20 MR. ABRAMSON: Objection to the 21 form. 22 With a person with that low 23 seniority, yes. 24 25







```
5/7/19 - R. Marsh
1
                 Do you think that crew chiefs may
2
    not want Angel Hernandez as their No. 2 because
3
    he consistently gets passed over for crew chief
4
     selection?
5
                 No, I don't think that is a problem.
6
           Α.
                 All right.
 7
           Ο.
                 MR. MURPHY: Let's take a break.
8
                 THE VIDEOGRAPHER: Going off camera,
 9
            the time is 4:58.
10
                  (Whereupon, a recess was taken.)
11
                  (Plaintiff's Exhibit 46, 2013 Umpire
12
            Mid Year Performance Evaluation, Bates DEF
13
            1526 through 1528, marked for
14
             identification, as of this date.)
15
                  THE VIDEOGRAPHER: Back on camera,
16
             the time is 5:58.
17
18
     BY MR. MURPHY:
                  During the deposition breaks, have
19
            0.
     you discussed your deposition testimony with
20
     counsel?
21
2.2
     DIR
                  MR. ABRAMSON: Objection. You don't
2.3
             have to answer that.
24
                  O.K.
25
            Α.
```

```
1
                      5/7/19 - R. Marsh
 2
                 MR. MURPHY: Well, it's a yes or no,
 3
             I'm not asking?
 4
                 MR. ABRAMSON: I'm instructing him
 5
            not to answer.
 6
                 MR. MURPHY: O.K.
 7
     BY MR. MURPHY:
 8
           0.
                 I've given you what we have marked
 9
     as 46. This is the 2013 Midyear Performance
     Evaluation. And under, let's see, Field
10
11
     Evaluation Component, the bottom of the first
12
     page, 1526, it says, "Over the first half of the
13
     season, you met standard in the field evaluation
14
     component. You have shown a consistent effort
     to maintain a professional approach on the
15
16
     field."
17
                 "As you know in this perception is
     reality based business, any bump in your
18
     professional behavior will be magnified by the
19
     media and fans. Continue to work on presenting
20
21
     a positive professional demeanor on the field."
22
                 Do you agree with that?
23
           A.
                 Yes.
24
                 Under Administrative Component here
25
     it says in the last paragraph, "You were given
```

5/7/19 - R. Marsh1 an exceeds rating for your handling of an 2 incident where the player was out of control and 3 you maintained control of your emotions and the 4 However, you were issued a does not 5 situation. meet rating for your confusing timing and 6 signaling of the ejection of the Braves manager 7 and catcher, " do you see that? 8 Yes, I do. 9 Α. (Plaintiff's Exhibit 47, Umpire 10 Evaluation Report dated 7/4/13, Game 11 Summary, Bates DEF 001968, marked for 12 identification, as of this date.) 13 BY MR. MURPHY: 14 Keep that handy. 15 Q. I've shown you what have marked as 16 Exhibit 47, which is Defendants 1968. 17 O.K. Α. 18 Here is the game in question. 19 Q. MR. ABRAMSON: What is that based 20 on? 21 MR. MURPHY: On the Administrative 22 Component, it says, "He was issued a does 23 not meet rating for your confusing timing 24 and signaling of the ejection of the 25

```
1
                      5/7/19 - R. Marsh
  2
             Braves manager and catcher."
  3
                  MR. ABRAMSON: Right.
  4
      BY MR. MURPHY:
  5
           Q. And you can see here, that it says,
  6
      "Laird was ejected for arguing balls and strikes
 7
     and Laird directed inappropriate comments at
     Umpire Hernandez after being ejected. ZE
 8
 9
     supported Hernandez in enforcement of the strike
10
     zone." Do you see that?
11
           A.
                  Yes.
12
           Q.
                 And he was given a meets here?
13
           A.
                 Yup.
14
                 MR. ABRAMSON: So is it your
15
            representation that that is what is
16
            referred to here?
17
                 MR. MURPHY: Good news is I don't
18
            have to answer your question.
19
                 MR. ABRAMSON: Objection as to the
20
            form. There's no foundation without that,
21
            so you can ask him to assume.
22
                 (Plaintiff's Exhibit 48, Umpire
23
            Evaluation Report, meets 7/5/2013, Bates
24
            DEF 1967, marked for identification, as of
25
            this date.)
```

5/7/19 - R. Marsh1 MR. GREGG: They're different Bates 2 numbers. 3 MR. MURPHY: "Laird was ejected for 4 arguing balls and strikes." 5 Let's go off the record. 6 THE VIDEOGRAPHER: Off the record, 7 the time is 5:23. 8 (Whereupon, a discussion was held 9 off the record.) 10 THE VIDEOGRAPHER: Back on camera, 11 the time is 5:24. 12 BY MR. MURPHY: 13 We sorted this out, Mr. Marsh, thank 14 Q. you again for your patience. 15 You'll see 47 and 48? 1.6 17 Α. Right. Would you agree that it is not often 18 Q. that an umpire ejects, both, a manager and the 19 20 player? It's not often? No, I would not 2.1 22 agree with that. All right. 2.3 Q. In the Administrative Component that 24 was in the midyear review, where he is talking 25

```
1
                      5/7/19 - R. Marsh
     about the ejection of the Braves manager and
 2
     catcher, isn't it true that it refers to the
 3
 4
     7/5/2013 baseball game?
 5
                 MR. ABRAMSON: Where does it say
 6
            Braves?
 7
                 MR. MURPHY: In the Midyear Review.
 8
                 MR. ABRAMSON: Yes.
 9
                 MR. MURPHY: It says, "You were
            issued a does not meet rating for your
10
11
            confusing timing and signaling of the
12
            ejection of the Braves' manager and
13
            catcher."
                 MR. ABRAMSON: So, sorry, stand
14
15
            corrected. Thank you.
16
                 MR. MURPHY: Thank you.
17
     BY MR. MURPHY:
18
           A.
                 Right.
19
                 Laird was the catcher for Atlanta
           0.
     and Gonzalez was the manager of the Atlanta, is
20
21
     is that right?
22
           A.
                 Yes.
23
                 And this July 5, 2013, Umpire
           Q.
    Evaluations that you have in 47 and 48, were
24
25
     discussing the game that is mentioned in the
```

5/7/19 - R. Marsh1 administrative component of his midyear, is that 2 3 accurate? MR. ABRAMSON: Objection as to the 4 Foundation. You can answer. 5 form. BY MR. MURPHY: 6 I think I see what you're getting at 7 Α. as far as they were properly ejected. What was 8 questioned was how -- "for your confusing timing 9 and signaling of the ejection." That's what he 10 got does not meet for, not the ejection. 11 Who gave him the does not meet? 12 0. I don't know, I don't know, it had 13 Α. to be in the evaluation report. 14 And if it wasn't in the evaluation 15 0. report, would you agree that it shouldn't have 16 17 been in the midyear? If it was in there, it should be, 18 Α. 19 yes. I'm saying, if he did not receive a 20 0. 21 does not meet from the supervisor --22 Α. Right. -- the does not meet should not be 23 0. in the midyear, would you agree? 24 MR. ABRAMSON: Objection as to form. 25

```
1
                      5/7/19 - R. Marsh
 2
            A.
                  This was -- this was written by
 3
     administrative -- that is -- administrative
 4
     component is usually filled out by Matt
 5
     McKendry, so that's not saying he was at the
 6
     game.
 7
           0.
                 O.K.
 8
           A.
                  Do you understand what I'm saying?
 9
                  Yes, but I don't think you
           0.
10
     understood my question, I could be wrong, let me
11
     ask it again.
12
                  If the supervisor --
13
                  I'm saying it should have said it
           A.
14
     here (Witness indicating).
15
           0.
                 -- at the game?
16
           A.
                 Right.
17
           0.
                 Because this is what we've got from
18
     the game.
19
           A.
                 O.K.
20
           0.
                  (Indicating.)
21
                 If the supervisor gave him a meet on
22
     both of these, and the supervisor never did give
23
     him a does not meet, will you agree with me that
24
     it should not have been in his midyear?
25
           A.
                 Yes, but I do hold back who made
```

## 5/7/19 - R. Marsh this determination on the confusing timing and signaling of the ejection. If that was -- the

signaling of the ejection. If that was -- the office watching this game, and wanted to know what happened, maybe that's where they came up with that does not meet. But I don't see it documented.

Q. Right.

1

2

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

2.0

21

22

2.3

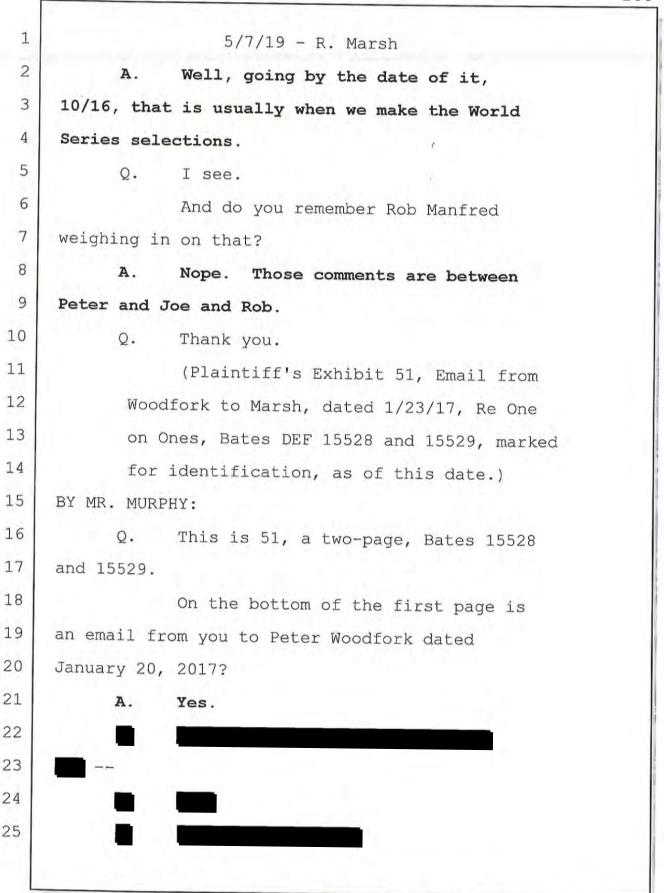
24

25

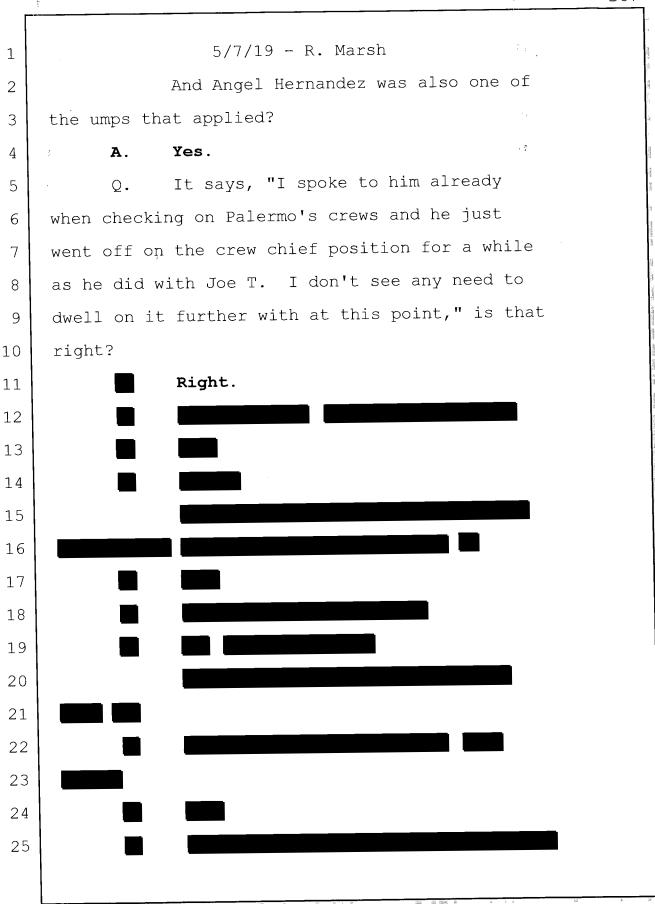
- A. I don't see it documented.
- Q. And do you notice the timing of this, July 5, 2013, do you see that, right before the All Star game, right?
  - A. Yes, yes.
  - Q. And right before the midyear report?
  - A. Yes.
- Q. Just like the one several years earlier, right before the All Star game, coincidence?
- A. I don't think -- I don't agree with what you're leading up to.
  - Q. Isn't it true, sir, that in the midyear, and end-of-year evaluations, which are written by management, they have issued criticisms of Angel Hernandez that were not raised by his supervisors?

```
1
                      5/7/19 - R. Marsh
 2
            A.
                  Should not be.
 3
                  Would you agree that Angel Hernandez
            0.
 4
     is one of the hardest workers on the staff over
 5
     the last five or six years that you've been
 6
     watching him?
 7
            A.
                  I agree he's a hard worker.
 8
                  (Plaintiff's Exhibit 49, Umpire
 9
            Evaluation Report, dated 7/5/2013, Exceeds
10
            Bates DEF 1906, marked for identification,
11
             as of this date.)
12
     BY MR. MURPHY:
13
            Q.
                  To give you the full picture, Mr.
     Marsh, here is 49, here is the actual Umpire
14
15
     Evaluation Report of the same game?
16
           A.
                  Right.
17
           Q.
                  Do you see that?
18
           A.
                  Yes.
19
           0.
                  In every category it says meets,
20
     yes?
21
           A.
                  Yes.
22
                Based upon what you've seen, the
23
     midyear report should not have been written the
24
     way it was --
25
                 MR. ABRAMSON: Objection.
```

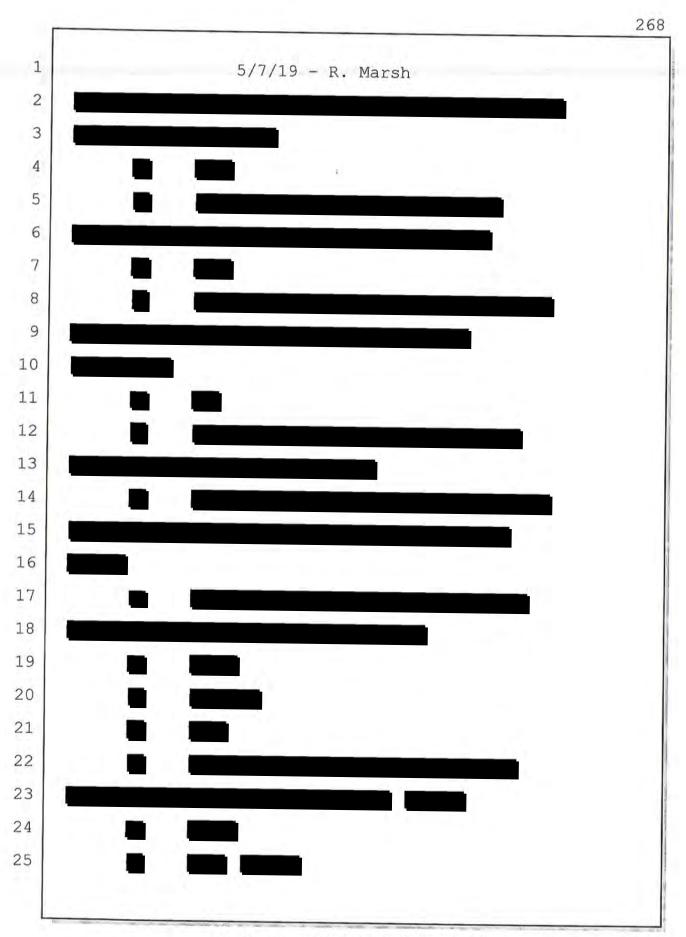
```
5/7/19 - R. Marsh
1
2
    BY MR. MURPHY:
                 -- do you agree?
3
           0.
               MR. ABRAMSON: Asked and answered.
4
            You can answer it again.
5
                 MR. MURPHY: I'll withdraw the
6
            question, how's that?
7
                 Good.
           Α.
8
                  (Plaintiff's Exhibit 50, Document,
 9
            Bates stamped DEF 15451, marked for
10
            identification, as of this date.)
11
     BY MR. MURPHY:
12
13
           Ο.
                  This is 50.
                  Now, have you seen a document like
14
     this before with Time Stamp Dates, Participate,
15
     From, Body, do you know what this is?
16
                  No.
17
           Α.
                  "Angel is going to be a no for Rob."
           Q.
18
                  In management at Park Avenue, the
19
     only Rob is Rob Manfred, right?
20
            Α.
                  Yes.
21
                  Do you know what he was saying no,
22
            Q.
     any reference to, "Angel is going to be a no."
23
                  Do you have any understanding what
24
      that meant?
25
```







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5/7/19 - R. Marsh1 2 Thank you. 3 Q. (Plaintiff's Exhibit 52, Major 4 League Baseball letter dated March 27, 5 2017, to Angel Hernandez, from Joe Torre, 6 Bates AH 00077 through AH 00079, marked 7 for identification, as of this date.) 8 9 BY MR. MURPHY: This is No. 52, this is a letter to 10 0. Angel Hernandez dated March 27, 2017, from Joe 11 12 Torre. O.K. 13 A. Take a look at -- well, first of 14 0. all, did you see this before it went out? 15 Α. No. 16 Turn to AH 78, please. And look at 17 0. the second full paragraph that starts out with 18 "The Office of the Commissioner's decision"? 19 Α. Right. 2.0 Take a look that the, read that if 21 Q. you would, please. 22 "The Office of the Commissioner's 23 Α. decision" --2.4 No, you don't have to read it out 25 Q.

```
1
                      5/7/19 - R. Marsh
 2
     Rich," when he wrote the midyear review, his
 3
     supervisor was somebody else, wasn't it?
 4
                  I don't know.
 5
                  At that time, Rich and I take a
 6
     couple of crews. We -- the -- the supervisors
 7
     usually have four or five crews. And I don't
 8
     know if that was his crew or not.
 9
           0.
                  Do you know where Mr. McKendry got
10
     these comments from for each umpire if it wasn't
11
     in midyear and year-end?
12
           A.
                 No.
13
           Q.
                  Is it true that numerous people edit
14
     the midyear and year-end evaluations, correct?
15
           A.
                 Numerous people edit them?
16
           0.
                 Yes.
17
           A.
                 Well, each person goes in their
18
     department's.
19
           Q.
                 And then legal takes a look at it,
20
     right?
21
           A.
                 Yes, yes.
22
           Q.
                 Turn to the next page.
23
                 MLB Umpire Actual Seniority.
24
                 Are these the umpires that were
25
     passed over?
```

5/7/19 - R. Marsh1 I would say so, yes. 2 Α. Matches the names in the first page, 3 0. correct? 4 Yes, yes, they do. Α. 5 And the two minority umpires Angel 6 0. Hernandez and Kerwin Danley --Alfonso Marquez. Α. 8 That's right, Marquez is here. 0. 9 But the top two are minority 10 candidates, right? 11 12 Α. Yes. And the February 3, 2017, that was a 0. 13 draft put together by Peter Woodfork, is that 14 right, do you know? 15 I don't know. Α. 16 (Plaintiff's Exhibit 54, email from 17 Marsh to McKendry dated 1/30/16, Re Angel 18 Hernandez Meeting, Bates DEF 23960, marked 19 for identification, as of this date.) 2.0 BY MR. MURPHY: 2.1 I've given you what we have marked 2.2 0. as Plaintiff's Exhibit 54, which is Bates 2.3 023960, an email from Randy Marsh to Matt 24 McKendry, an email dated January 30, 2016. 25

1	5/7/19 - R. Marsh
2	Do you recognize this email as
3	something that you wrote, right?
4	A. Yes.
5	Q. Very positive email about him, yes?
6	A. Yes.
7	Q. He had a good season in 2016, didn't
8	he?
9	A. I believe so, all right.
0	Q. All right.
1	Was it true that he was on the radar
2	for possible crew chief position in the future?
3	A. Yes.
4	(Plaintiff's Exhibit 55, email from
5	
6	re 2014 Retreat One On Ones, Bates DEF
7	23964 and 23965, marked for
8	identification, as of this date.)
9	BY MR. MURPHY:
0	Q. Here is 55, two-page document,
1	239634, 23965, email from you, Peter Woodfork.
2	
3	A. Yes, that's my personal.
1	Q. And you were memorializing
5	one-on-one conversations that you had in Arizona

```
5/7/19 - R. Marsh
1
    with the umpires, is that accurate?
2
3
           Α.
                 Yes, sir.
                 Angel was emotional in this meeting,
4
           Q.
5
     yes?
                 Yes, he was.
6
           Α.
                 And he was upset about, he is still
7
           Ο.
     upset about the Cleveland incident?
8
                 Yes, and at the meeting, at the
 9
           A.
     retreat, we have these open discussions on
10
     plays, rule interpretations, things like that.
11
                 And sometimes, you know, a guy's
12
     play is put up where he handled it incorrectly.
13
     And he had a play that the umpires did not agree
14
     with the call he made, and then he got really
15
     pissed off about it.
16
                  O.K.
17
           0.
                  And it said here, "I told him that
18
     he showed that in the Cleveland incident because
19
     he kept himself totally under control in a very
20
     difficult situation."
21
                  And he broke down about this
22
     incident where he told you about what Peter
2.3
     Gammons said about him, correct?
24
25
                  Right, yes.
            Α.
```

## 1 5/7/19 - R. Marsh 2 And you indicated here that you told Q. 3 Angel that you knew that he had changed, and that was change for the better, yes? 4 5 A. Yes. 6 Q. All right. 7 MR. MURPHY: Counsel, Mr. Marsh, I'm 8 going to take a quick look at my notes, I 9 think we're done, but I just want to make 10 certain that I haven't missed anything and 11 we shall hopefully depart so give me if 12 you would five minutes. 13 MR. ABRAMSON: Sure. 14 THE VIDEOGRAPHER: Going off camera. 15 The time is 5:48. 16 (Whereupon, a recess was taken.) 17 THE VIDEOGRAPHER: Back on the 18 record on camera, the time is 5:53. 19 BY MR. MURPHY: 20 Have you been advised that you're Q. 21 going to testify at trial? 22 A. No. 23 0. O.K. 24 O.K. 25 MR. MURPHY: For the record, since